Monday, December 19, 1960
Agrahayana 28, 1882(Saka)

LOK SABHA DEBATES

Second Series
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LOK SABHA SECRETARIAT
NEW DELHI

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N.B.—The sign + above a name of a member on question which are orally answered, indicates that the question was actually asked on the floor of the House by that Member.

LOK SABHA

Monday, December 19, 1960/Agrahayana 28, 1882 (Saka)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

MEMBER SWORN

Shri Vaddepalli Kasiram (Nalgonda—Reserved—Sch. Castes).

Mr. Speaker: Hereafter, when a Member is to be sworn, the Secretary will announce to the House the name of the hon. Member, the constituency from which he comes and in whose place he comes. Otherwise, hon. Members may not know.

Shri Vaddepalli Kasiram comes from Nalgonda in Andhra Pradesh and he comes in the place of Shri Devanapalli Rajiah.

Hereafter that will be the practice.

ORAL ANSWERS TO QUESTIONS

Ganga Brahmaputra Waterways

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*968. { **Shri Ram Krishan Gupta:**
Shri Sarju Pandey:

Will the Minister of **Transport and Communications** be pleased to refer to the reply given to Unstarred Question No. 1563 on the 26th August, 1960 and state whether Government have since taken decision on the recommendations contained in 70th Report of the Estimates Committee about declaration of the Ganga-Brahmaputra Waterway as a National Waterway?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): Yes. It has been decided not to declare the Ganga-Brahmaputra Waterways as National Waterway at present.

Shri Ram Krishan Gupta: May I know the reasons which led to this decision?

Shri Raj Bahadur: Our decision is in keeping with the recommendations made by the Inland Water Transport Committee headed by Shri Gokhale.

Shri Ram Krishan Gupta: May I know the approximate length of this waterway which is used for traffic at present?

Shri Raj Bahadur: The approximate length from Calcutta to Dibrugarh might be 600-700 miles.

Dr. Ram Subhag Singh: This waterway runs from Buxar to Dibrugarh. May I know what will be the effect of the decision of the Government that this will not be treated as a national waterway?

Shri Raj Bahadur: So far as the effect is concerned, it does not mean that any deterioration will take place in the present level of efficiency of the maintenance etc. The fact remains that we have been contributing whatever we could by way of assistance for the conservancy and for the pilot project, etc., and I am sure that we shall try to do as best as we can within the limited finances placed at our disposal.

कारीगरों के लिए अध्ययन भ्रमण

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*९६९. { **श्री भक्त दर्शन :**
श्री हेम राज :

क्या **सामुदायिक विकास और सहकार** मंत्री ५ अगस्त, १९६० के तारांकित प्रश्न संख्या १७९ के सम्बन्ध में यह बताने की कृपा करेंगे कि कारीगरों के अध्ययन भ्रमण संगठित

करने के प्रस्तावों के बारे में क्या निर्णय किया गया है ?

सामुदायिक विकास और सहकार उपमंत्री (श्री ब० स० मूर्ति) : तीसरी योजना में शामिल करने के लिये स्कीम तैयार कर ली गई है, और वह चर्चाधीन है ।

अध्यक्ष महोदय : अंग्रेजी में भी पढ़िये ।

श्री ब० स० मूर्ति : अब मैं अंग्रेजी में उत्तर पढ़ता हूं ।

श्री भक्त दर्शन : श्रीमन्, इस स्कीम की मोटी रूपरेखा क्या है ?

The Minister of Community Development and Co-operation (Shri S. K. Dey): The idea is that progressive artisans from the village will have an opportunity of seeing the work done by their fellow workers in the whole block; similarly the progressive workers from the block will get an opportunity of acquainting themselves with the best work in the district; from the district to the State; from the State to the country; and, eventually, from the country to the whole world.

श्री भक्त दर्शन : श्रीमन्, इस भ्रमण में जो खर्चा होगा क्या वह कारीगरों को देना होगा या सरकार उस में हिस्सा बंटायेगी ?

श्री म० ला० द्विवेदी : मैं यह जानना चाहता हूं कि इस योजना के लिये तृतीय पंचवर्षीय योजना में क्या धनराशि मुकर्रर की गई है और यह काम कब से प्रारम्भ हो सकेगा ?

Shri S. K. Dey: The programme is planned during the Third Plan period. We have not taken up this programme for artisans in the Second Plan. As the hon. Member is aware, we introduced a scheme of Bharat Darshan particularly by agriculturists, and it has been an extremely successful programme. Therefore, we are trying to extend it to the field of village industries.

Shri Hem Raj: May I know whether these artisans will also be given some more training in their crafts?

Shri S. K. Dey: That programme is also under implementation concurrently.

Shri Damani: May I know whether the State Governments will also contribute to the expenditure or the Centre will bear all the expenditure?

Shri S. K. Dey: In almost all the schemes under the Community Development Programme, there is participation by the States with the Centre.

Shri C. R. Pattabhi Raman: Will they be accompanied by interpreters, so that they can understand one another?

Shri S. K. Dey: Yes, Sir.

Shri Ranga: Do Government have any information about the numbers of these artisans in different States, or do they propose to invoke the aid of the Census operations to get that information?

Shri S. K. Dey: Well, I am quite sure the Minister of Industries and Commerce will have a broad idea of the artisans who now exist, and certainly when the Census is completed that will give us a more exact picture.

Shri D. C. Sharma: There are different types of artisans in every village. May I know if any priority has been fixed for these different types of artisans or they will be taken in a pell-mell variety?

Shri S. K. Dey: That question does not arise. We have yet not come to the stage of planning at that point of detail.

Dr. Ram Subhag Singh: At the time of the World Agriculture Fair thousands of progressive farmers were enabled to come to Delhi to see that fair. This year in Bhopal the hon. Minister said that the Bharat Krishak Samaj, under whose auspices those parties were organised, is not working properly. May I therefore know whether at the time of organising parties of progressive artisans and in their selection such care will be taken so that confusion may not arise afterwards?

Shri S. K. Dey: I do not know; I myself feel very confused with the question, because we are discussing artisans. And in any case, even when farmers were sent out for Bharat Darshan they are usually picked out by the Block Development Committee and no other organisation usually comes into the picture.

Dr. Ram Subhag Singh: But you yourself made the confusion.

Mr. Speaker: The hon. Member must get up and put the question.

Shri Ranga: The second part of the question has not been answered, whether sufficient care would be taken to see that proper people are selected among the artisans for the Bharat Darshan.

Shri S. K. Dey: I have already said that this selection will be made by the Block Panchayat Samiti and others. They are very responsible people.

Dr. Ram Subhag Singh: The hon. Minister said that he got confused due to the question. May I know what statement he gave at Bhopal regarding his own performance?

Mr. Speaker: He says the confusion comes in when the hon. Member tacks on to this question: failure about the Agriculture Fair and the selection made of farmers. Why should he anticipate failure here also?

Shri Tyagi: What is the total amount of money allocated for this, the total money for the five years?

Shri S. K. Dey: We have broadly planned Rs. 20 lakhs for the whole period, but we may not be able to get this much.

Shri Tyagi: Will Government take the opinion of Parliament before they waste Rs. 20 lakhs? It is rather a waste. Have they consulted the Estimates Committee or any other body? Because, such programmes costing twenty and thirty lakhs of rupees are too much in these days of scarcity.

Dr. Ram Subhag Singh: Austerity and economy.

Shri S. K. Dey: If I may mention, we have 120 hon. Members of the two Houses as members of the Consultative Committee. And no vital decision under the Community Development programme is ever taken without the consent and agreement of these people.

Dr. Ram Subhag Singh: You act on your own.

Shri Tyagi: Twenty lakhs of rupees is too much—it is the tax-payers' money.

Mr. Speaker: Order, order. So far as new services of this kind are concerned, the House would be in a position to give expression to its views. If it is a small matter it does not matter. Where hon. Members are interested in seeing that from all parts similar artisans are brought and shown round, they only take exception to enormous expenditure that is proposed. If it is necessary, they will incur the expenditure. Or, if the Government does not bring up a thing, as soon as any hon. Member comes to know that a particular thing is being undertaken, what prevents him from bringing it up before the House? There is no good in merely using the Question Hour for such things. If the Government is not going to bring it up, hon. Members know how to bring it up.

Shri Tyagi: May I know if the Government considered any alternative scheme, say, by way of opening a training centre at a cost of Rs. 20 lakhs rather than waste it?

Shri B. S. Murthy: There is no training centre to be established for Rs. 20 lakhs. Secondly, this is a scheme to be included in the Third Five Year

Plan and the Third Five Year Plan will come up for discussion in this House. When the Parliament sets its seal, then only it will be taken up.

Mr. Speaker: In the meanwhile I would generally say that all scheme of a nature on which hon. Members would be in a position specially to bring to bear their consideration may be placed before the House by the Government itself. What is the harm in Government doing that? But if they do not choose to do so, as soon as any hon. Member comes to know that a particular scheme is afoot and they want to make some observations on it, I have absolutely no objection in allowing a discussion for a short period.

Legislation for Travel Agents

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***970.** { **Shri Vidya Charan Shukla:**
Shri Ram Krishan Gupta:

Will the Minister of **Transport and Communications** be pleased to refer to the reply given to Starred Question No. 558 on the 19th August, 1960 and state the progress made in the finalisation of proposed legislation to govern the conduct of travel agents, excursion agents, shikar agents, guides and hoteliers, in their dealings with tourists?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): Proposals in respect of proposed legislation to govern the conduct of travel agents, excursion agents, shikar agents, guides and hoteliers in their dealings with the tourist, which have been drawn up in consultation with the various Ministries of the Central Government, are still being finalised. Since the problems of tourism impinge upon the work of so many other Ministries, State Governments and Travel Trade, the process of enacting an all-India legislation will inevitably take time.

Shri Vidya Charan Shukla: May I know if from time to time Government receives various complaints about the difficulties that the tourists and the travel agents face at the State level and, if so, whether Government is devising any liaison organisation to remove these difficulties in future?

Shri Raj Bahadur: We are getting complaints from time to time from certain tourists about certain difficulties that they experience *vis-a-vis* the various sectors of the tourist industry. It is with a view to regulate the industry, namely, the hotel industry, the shikar agents, the travel trade and others concerned, that we propose to undertake this legislation. We hope that by the legislation when it is enacted we would be able to provide for the liasion that the hon. Member has referred to.

Mr. Speaker: Are there any committees to assist in that?

Shri Raj Bahadur: Yes, Sir. There are official committees and there are also committees or the various associations of the trade. For example, the travel agents have got an all-India travel agents' association, the hotels have got the federation of all-India hotels and restaurants and the shikar agents have also got their association. On the whole the entire liaison between these various wings of the industry is being provided for by the Tourist Development Council and the Regional Tourists Advisory Committee.

Mr. Speaker: These questions would not be brought up here if the hon. Ministers in charge of giving recognition to these associations insist upon those associations to make hon. Members of Parliament in that area honorary members of the asociation so that they may know from time to time what is happening, get notices of their meetings and try to regulate it. Such details are brought up here because hon. Members are not aware of those institutions there.

Shri Raj Bahadur: He is a member of the Tourist Development Council. We are also answering questions on the floor of the House from time to time. We are placing full information before the various committees, the advisory committees, regional advisory committees and Tourist Development Council. We have left no stone unturned so far as this department is concerned because tourism essentially depends on publicity. If publicity cannot be provided to the various organisations which help it, it will not be worth its name. So we are fuly conscious and I can assure you that there should be no doubt that we are not giving them the proper information.

Shri Ram Krishan Gupta: May I know whether this proposed legislation will also govern the charges and fees to be taken by guides and travel agents?

Shri Raj Bahadur: While, generally speaking, it may not be possible to provide for the charges that a hotel or a restaurant should charge, we are resorting to a system known as the 'star system' which means the classification of hotels in certain broad categories related to their equipment, the comforts they provide, the facilities and the conveniences they offer to their customers.

Shri Vidya Charan Shukla: In view of the importance of this subject, may I know if there are any chances of this legislation being brought forward during the term of the present Lok Sabha?

Shri Raj Bahadur: I would very much like that the proposed legislation comes during the life of the present Lok Sabha because my tenure lasts only up to the end of the present Lok Sabha.

सेठ अचल सिह : क्या माननीय मंत्री यह बताने की कृपा करेंगे कि क्या टूरिस्ट एजेंट्स को ट्रेनिंग देने का कोई इन्तजाम किया गया है ?

श्री राज बहादुर : जी हां, टूरिस्ट एजेंट्स को ट्रेनिंग देने की व्यवस्था है और उस के लिये समय समय पर शिक्षण-शिविर और दूसरी सुविधायें प्रदान की जाती हैं ।

Shri Tangamani: May I know the type of control which this agency has got on travel agents? Is it not a fact that these travel agents engage cars for tourists which are not licensed as happened in the case of Frederick March in Madurai where the car which was engaged by the travel agent was not licensed to run as a taxi? I would like to know therefore the kind of control which you are having on these travel agents.

Shri Raj Bahadur: We are dealing with the larger question of legislation. It is to provide some sort of modicum of control or regulation of this trade that we require this legislation. I think it is in that context that the question has been asked by the hon. Member. I am not aware what else he has in his mind.

Shri Tangamani: We read in papers and we also had a discussion here about that. The travel agents also....

Mr. Speaker: That is all right. The hon. Minister says that it is for that purpose, that is, for the purpose of licensing travel agents etc., that legislation is thought of.

श्री भक्त दर्शन : माननीय मंत्री जी के उत्तर से स्पष्ट है कि ऐसा अधिनियम बनने में अभी काफी समय लगेगा । क्या इस बीच में एक्सक्यूटिव आर्डर्ज के द्वारा यह व्यवस्था की जायेगी, ताकि ये शिकायतें दूर की जा सकें ?

श्री राज बहादुर : प्रशासनिक आदेशों और आज्ञाओं द्वारा अब भी ऐसी व्यवस्था की जाती है और मैं समझता हूं कि जब कभी उन की आवश्यकता होगी, और भी आदेश दिये जा सकेंगे ।

Shri Ansar Harvani: Pending the introduction of a Bill in this House does Government propose to take any measures to curb the activities of those travel agencies whose main task is to forge passports?

Shri Raj Bahadur: That is a different question and I need not answer that. So far as the question of the legislation is concerned, we are proceeding in two ways—firstly, through these organisations which I have just now mentioned in reply to a previous question and, secondly, through executive orders about which I have made a mention in my Hindi answer to Shri Bhakt Darshan's question.

Shri D. C. Sharma: The hon. Minister said that there are federations of travel agents and other agents. May I know if there are any associations of guides and commission agents and how they are controlled by these regulations?

Shri Raj Bahadur: Guides also, I think, have got some association, but I am not quite sure.

श्री म० ला० द्विवेदी : मैं यह जानना चाहता हूं कि मंत्री महोदय इस सम्बन्ध में क्या इन्तजाम करने जा रहे हैं कि जो ट्रैवल एजेंट्स और गाइडज वगैरह जब सौदा कराने जाते हैं, तो वे दुकानदार से कमीशन तय कर लेते हैं ।

श्री राज बहादुर : इस प्रकार की शिकायतें हमारे पास आई हैं और इन को रोकने के लिये एक कानून की जरूरत है, लेकिन यह कानून तभी बनाया जा सकता है जब कि सारी राज्य सरकारें और विभिन्न विभाग सब के सब एक बात पर मुत्तफिक हो सकें ।

Food Production with the Aid from West Germany

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*932. Shri P. G. Deb:
Shri Rameshwar Tantia:
Shri Ram Krishan Gupta:
Shri Achar:
Shri S. A. Mehdi:

Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 127 on the 15th February, 1960 and state the progress so far made in starting some pilot projects for intensified food output, with West German aid?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): The Government of Federal Republic of Germany has sent a team of experts to explore the possibility of their participation in the Intensive Agricultural District Programme. The extent of German assistance will be finalized after the team submits its report.

Shri Ram Krishan Gupta: In reply to a previous question it was stated that there was a proposal to set up six small farms. May I know whether any steps have ben taken for the selection of the sites?

Shri M. V. Krishnappa: The five German experts have come and have gone round the country. They have visited four States and have seen the various types of Indian agriculture. In what way they will be able to help Indian agriculture is for them to decide. When they submit their report, it will be out.

Shri Supakar: May I know if this team also investigated in the different States with a view to giving assistance for the package programme, and if so, what their reactions are on that matter?

Shri M. V. Krishnappa: The main aim is to help the package programme. They visited four States, Himachal Pradesh, Orissa, Maharashtra and Mysore. It is for them now to say in what way they would be able to help in this package programme.

Shri Achar: The hon. Minister now said that they are going to submit a report. When is this expected?

Shri M. V. Krishnappa: Three of them have left India. Two of them met me today, this morning. Perhaps, when they go back, they will sit in their country and produce the report.

Shri Ranga: May I know whether the Government have invited this Government as well as other Governments to come and help us in implementing their programme or whether the West German Government of their own accord have offered to help? If the Government have invited other Governments also, may I know which other Governments have approached and how many of them have offered to help?

Shri M. V. Krishnappa: As far as the German Government is concerned, they themselves expressed a wish to help India to develop agriculture. Regarding the other Governments, if the hon. Member puts another question, I am prepared to answer later on.

Shri Mahanty: We have the Japanese method and the Chinese method of agriculture. May we know what is the special merit of the German method of agriculture?

Shri M. V. Krishnappa: Whatever the Germans do, whether it is agriculture, forestry or industry, they are experts in everything. Their agriculture is ideal agriculture. When an advanced country like Germany expressed their wish to help Indian agriculture, we welcomed them. They have gone round and the experts will be able to tell us in what way they would be able to help us.

Shri Mahanty: May I know what cost has been incurred by the Government in sponsoring the delegation of technicians from Germany?

Shri M. V. Krishnappa: I do not know. It is on their own account that they have come. Wherever they went, we have treated them as guests. If the hon. Member is particular about the cost, I shall be prepared to give later on.

Shri B. Das Gupta: May I know whether this team is going to introduce a new method and whether the Government is aware of that or not?

Mr. Speaker: Wait and see.

Shri M. V. Krishnappa: It will be for the experts to say how they would be able to help us, whether they would be able to help in the manufacture of improved implements, or help us in the building up of our dairies or other things. It is for the experts to say; not for me.

Shri Yadav Narayan Jadhav: In what food crops has Germany tried intensive cultivation?

Shri M. V. Krishnappa: In Europe, especially in Germany, their crops are confined to wheat, oats and barely. In India, if it is only to help in cereal production, they will have to help in the wheat-growing areas. If it is help in other implements and other things, they can help all over India. It is not confined to wheat-growing or rice-growing tracts.

Shri Supakar: May I know whether the implementation of our package programme in the remaining States of India from next April will in any way be affected by the availability or otherwise of help from foreign countries like West Germany?

Shri M. V. Krishnappa: Whatever programme we have decided already, the package programme has been decided with the co-operation of Ford Foundation. Whatever other countries' help might be coming there in the intensely cultivated districts, on that account, it is not going to be affected.

Shrimati Renu Chakravartty: It is well known that West Germany is a highly industrial nation and in the way of food production, East Germany has much higher production than West Germany. I want to know whether this pilot project has been offered to us for agriculture by West Germany or is it that we have asked for their agricultural aid.

Shri M. V. Krishnappa: The German Republican Government expressed a wish that they would like to help our agriculture. Though it is an industrial country, their agriculture is excellent. I have seen their agriculture. Especially, agriculture in Germany is excellent agriculture.

Cost Structure of Sugar

*972. **Shri S. M. Banerjee:**
Shri Khushwaqt Rai:
Shri Yadav Narayan Jadhav:
Kumari M. Vedakumari:
Shri Agadi:
Shri Sugandhi:
Shri Kalika Singh:

Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the sugar price issue has again been referred to the Tariff Commission; and

(b) if so, what will be the price policy during the interim period?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) No, Sir.

(b) Does not arise.

Shri S. M. Banerjee: May I know whether it has been brought to the notice of the hon. Minister that the retail price of sugar is much more in the south than in the north and, if so, whether a price policy will be adopted in order to decrease the price in the south?

Shri A. M. Thomas: It is well known that the retail is higher because in the south the factories have got freight advantage. More than 50 per cent of the production is in the U.P. so that U.P. sugar would have to move south. The local production would certainly get the freight advantage.

Shri S. M. Banerjee: Now that this Sugar Cess Act has been declared invalid, I want to know whether the cost of sugar will be revised taking into account the fact that the employers will not have to pay four annas in the rupee as cess.

Shri A. M. Thomas: It has been stated on the floor of the House that the impact of the Supreme Court's judgment is under consideration in consultation with the U.P. Government.

Shri Tridib Kumar Chaudhuri: In this connection, what about the price profit linking formula? I want to know whether that has been referred to the Tariff Commission and when the report of the Tariff Commission on that matter is likely to be obtained by the Government.

Shri A. M. Thomas: We have on 3rd October, 1960 referred to the Tariff Commission as has been stated by my hon. friend, formula for linking the price of cane with the price of sugar. It is not the sugar price as has been implied in the question. With regard to the time, we think that we would be able to get the report without delay.

श्री खुशवक्त राय: जो गन्ने के काश्तकार हैं, उनको जो अतिरिक्त मूल्य मिलने वाला था वह कब तक मिलेगा ?

Shri A. M. Thomas: The whole matter was discussed the other day. We have got the minimum price fixed now. There the price may be under the price linking formula. What should be the price for the year 1961-62 has to be considered some time in February-March.

श्री खुशवक्त राय : मैं जानना चाहता हूं कि जो पिछले साल गन्ना दिया गया मिलों को उसके बारे में अतिरिक्त मूल्य यानी एक्सट्रा प्राइस देने की जो बात आपने कही थी, वह कब तक काश्तकारों को मिलेगा ?

Shri A. M. Thomas: That is so. According to the price linking formula, the growers might get something in addition to the minimum price. That question has been referred to the Tariff Commission. On behalf of the industry, the question was raised that they have not been provided with rehabilitation allowance according to the Tariff Commission's report, in the ex-factory price that would be fixed. The sugar cane growers said that the price linking formula is too complex a matter and they would have a more simple one. So that, the entire question has been referred to the Tariff Commission. Even in spite of the reference to, the Tariff Commission, many of the factories have been paying on a voluntary basis, on an *ad hoc* basis pending final settlement of accounts under the price linking formula.

Kumari M. Vedakumari: Is there a great demand from the cane growers that the formula is very complicated and it should be changed and that they should have a more intelligible formula?

Shri A. M. Thomas: That is exactly what I have mentioned. That is one of the reasons which weighed with us for referring the matter to the Tariff Commission.

Shri Yadav Narayan Jadhav: May I know, taking into consideration the present position of sugar, industry and the production target that we have reached, whether it is necessary to continue the protection given to the sugar industry?

Shri A. M. Thomas: There is no question of protection. Ex-factory prices are fixed in the U.P., North Bihar and Punjab. There is some volume of opinion now advocating decontrol of those restrictions. The entire matter is being considered and the repercussions of de-control, what effect it will have on the sugarcane growers, what effect it will have on industry and on the consumers, all these things will have to be considered in detail before a final decision is taken.

Shri Vajpayee: May I know what stands in the way of the Government in formulating a uniform price policy in regard to sugar for the entire country?

Shri A. M. Thomas: There is a deliberate policy followed by us. In fact, we wanted in the initial stages that the sugar industry should develop both in the Deccan area as well as in the south. This freight advantage was there. So, we thought it would not be advisable to have a uniform price for sugar throughout the country

Kumari M. Vedakumari: My question has been partly covered. With so many variations in the different regions growing sugarcane, I wanted to know if it was advisable to have a uniform policy, or if the conditions in the regions would be taken into account in coming to a formula.

Shri A. M. Thomas: The Tariff Commission, as the hon. House knows, prescribed four regional schedules. We have adopted the schedules prescribed by the Tariff Commission for fixing the ex-factory prices in Bihar, U.P., and Punjab. With regard to fixing of the price for the other region, if it is found necessary we may adopt the schedule that has been drawn up by the Tariff Commission, but we do not think that immediately any such decision is necessary.

Shri Tyagi: Last time a definite statement of policy was made on the floor of the House to the effect that the prices would depend upon the recovery of sugar, and wherever recovery was higher, extra prices would be paid to the canegrowers. I want to know whether Government have withdrawn that policy, or, whether the canegrowers will be paid extra price for the last two or three years wherever there has been higher recovery.

Shri A. M. Thomas: That question was also considered by us. In certain factories, on an experimental basis we are adopting that policy of paying on quality basis. But we have got so many small holders, they are thousands in number, and so it may not be quite practicable to pay all on the recovery basis. Those difficulties have also to be taken into consideration. In fact, a delegation which visited Australia on coming back stated that it would be advisable to pay all sugarcane growers on the basis of quality. They also said that first we have to adopt this on an experimental basis rather than as an all-India measure.

Shri Tyagi: My question was definite. A statement of policy had been made, and for two or three years people have been given to understand they are going to be paid on a recovery basis. Are the Government now going to withdraw from that position?

Shri A. M. Thomas: Certainly not. We are not going to withdraw. Immediately it is not possible.

Shri Tyagi: In the case of factories where the price was reduced on account of less recovery—for instance, in my own constituency, it was two annas per maund less because the recovery was said to be less than normal—are they going to get more now because the recovery has been much higher in the last two years?

Shri A. M. Thomas: This question has been raised by my hon. friend on many previous occasions too. Every sugarcane grower in the country is assured of a minimum price of Rs. 1|10|0. The growers in the locality, my hon. friend refers to, will also get the same price, so that there is no question of getting a reduced price now.

Shri Ranga: In view of the fact that what is known as the SISMA formula has been in actual operation in the south for a number of years and assurances were given here not only by the present Minister but his predecessors also that the same formula would be extended to north India, may I know what difficulty Government have encountered to abandon it now and plead that for each individual peasant they would not be able to make this allowance and so on?

Shri A. M. Thomas: I do not know whether the hon. Member is aware of the fact that from 1958-59 we have adopted this price-linking formula. The very same principle that has been adopted in the SISMA formula has been adopted on a statutory basis throughout the country, so that there is no fear that this formula would not be adopted in the case of factories in the north. The question that has now to be decided is: what exactly should be the proportionate price that should be fixed for the sugarcane, what should be the 'x' factor? The entire question has been referred to the Tariff Commission. So that, there is no question of going back on the SISMA formula. It is open to the States to adopt the SISMA formula or the price-linking formula or any other formula. For instance, in Maharashtra they have got a particular formula, which is neither the SISMA nor the price-linking formula. They have increased the price of sugarcane. The Centre does not stand in the way of any State Government adopting any particular formula for their area.

Shri K. N. Pande: In view of the fact that the Tariff Commission is considering the share of the cultivators out of the remission in excise duty to be given to the employers and it has not been finalised as yet as we have been just informed, will the Government delay payment to the factories so that the cultivators may get their share?

Shri A. M. Thomas: Of course, there will be some delay for the cultivator to get the additional sugarcane price, if there is anything to be given. This reference has become necessary because of the demand not only from the industry but from the sugarcane growers also as has been mentioned by the hon. Member, Kumari Vedakumari, so that it is not a case in which the Central Government has taken action on the representation of the industry itself. But in spite of that, with regard to several factories established in the south, the sugarcane growers have been paid on an *ad hoc* basis, and in certain cases on a permanent basis. There have been some cases which have come to the notice of the Centre. For example, in the case of the Hospet Factory in Mysore, the sugarcane growers and the millowners have come to some understanding by which final payment has been made under the SISMA formula without reference to the recommendations that may come from the Tariff Commission. So, we are trying to expedite the matter. We want to see that the growers are paid as early as possible.

श्री खादीवाला: जब चीनी का उत्पादन दिन प्रति दिन बढ़ता जा रहा है तब खंडसारी शकर और गुड़ का उत्पादन ज्यादा बढ़े, गांव वालों को धन्धा मिले और इस उद्योग को प्रोत्साहन मिले और चीनी का जो खर्च आज होता है वह बढ़ने के बजाय कम हो, इसके लिये क्या मंत्री जी कोई प्रयत्न कर रहे हैं ?

Shri A. M. Thomas: Yes, Sir. We firmly believe that both the sugar industry as well the *khandsari* industry have their legitimate place. The *gur* industry has also its place because only 30 per cent of the sugarcane that is produced in the country is being utilised by the sugar mills. So, both *khandsari* and *gur* have their own place. Not only that. *Khandsari* has also got the tax advantage.

श्री खुशवक्त राय : क्या मैं जान सकता हूं कि उत्तर प्रदेश में कितनी मिलें, ऐसी हैं जिन्होंने अतिरिक्त मूल्य दे दिया है, और क्या सरकार इस बात के लिये तैयार है कि और मिलों से कह दे कि वे भी उसी प्रकार से अतिरिक्त मूल्य दे दें ?

Shri A. M. Thomas: In 1957-58....

श्री कुशवक्त राय : मैं सन् १९५९–६० की बात करता हूं ।

Shri A. M. Thomas: For 1959-60 the entire matter has been referred and the payment can only be made on a voluntary basis.

Shri Yadav Narayan Jadhav: As far as Maharashtra is concerned, the hon. Deputy Minister just now said that sugar recovery is taken into consideration while fixing the price of sugarcane, but has it come to the notice of Government that some of the factory owners are able to give more than the price fixed by the Government?

Shri A. M. Thomas: We do not stand in the way if the millowners pay more than what has been fixed by the State Government. In fact, in Maharashtra and Gujerat, as has been stated by me, they have adopted neither the SISMA nor the price-linking formula. They are paying much more than the minimum sugarcane price that is now payable in the north.

Shri Tyagi: What about the factories under the management of the Government themselves? Have they paid extra or not?

Shri A. M. Thomas: No.

Shri Tyagi: Why not?

Shri A. M. Thomas: No. The very same principle that can be adopted in the case of the other mills has also to be adopted in the case of these mills. They are not Government factories as such, only the management has been taken over by the Government. So, Government cannot adopt a method different from that adopted in the case of the other mills.

Raja Mahendra Pratap: Will it not be better to have cultivators' representatives in the boards of these mills, so that there will be no trouble between them?

Shri A. M. Thomas: The policy of the Central Government is pretty well known, namely to encourage co-operatives wherever possible. In the matter of putting up additional new factories, the co-operative sector is given preference.

Special Type of Light in Trains

***974. Shrimati Ila Palchoudhuri:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that a special type of light for use on trains in cases of accidents etc. has been designed recently;

(b) if so, the details thereof; and

(c) when it is likely to be installed in trains?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes, Sir.

(b) The equipment consists of a portable tripod stand mounted with two lights in opposite directions to light as much of the train as possible. Also a hand lamp is being provided for emergencies. Each such set would be mounted in the Brake Van of all passenger trains at the originating stations.

(c) The equipment is being manufactured by the Railways and will be provided as soon as it is ready.

Shrimati Ila Palchoudhuri: May I know whether all the eight Zones in the railways will be provided with this light-box, and also whether there will be some personnel who will look after the putting on of this light-box at the right time, because it is a complicated machinery?

Shri S. V. Ramaswamy: There is no question of zones here. All passenger trains will be provided with this in course of time. The idea is that this should be fixed up in a box which will be handed over to the guard at the originating station, and it will be carried up to the destination station.

Pandit D. N. Tiwari: May I know the difference between this sort of light and the push-button lights that are fitted in the ladies' compartments?

Shri S. V. Ramaswamy: The push-button lighting is for emergencies; that is, if any thief or robber gets into the ladies' compartments, there is this arrangement so that an alarm may be raised to bring assistance to the ladies. The light-box arrangement is in case of accidents where lighting may be given to the whole length of the train, to facilitate relief

Sambalpur Flood Control Scheme

***975. Shrimati Renuka Ray:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the Sambalpur flood control scheme in Malda District has finally been sanctioned by the Centre; and

(b) if so, when the construction is to be started?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No, Sir.

(b) Does not arise.

Shrimati Renuka Ray: In view of the fact that the scheme was proposed about seven years ago and a lot of correspondence has taken place, may I know what the present position is, and whether any money has been allotted for this purpose?

Shri Hathi: The revised scheme was submitted on 31st August, 1960, and a provision of Rs. 15 lakhs has been recommended by the Working Group in the Third Five Year Plan.

Shrimati Renuka Ray: When is it likely to start working?

Shri Hathi: That will depend upon the completion of the technical examination of the scheme.

Shrimati Renuka Ray: According to the recommendation of the Government of India, does the revised scheme involve an expanded scheme, and if so, will some extra money be allotted for that purpose?

Shri Hathi: I do not know whether any extra provision could be made, but the provision that has been recommended is about Rs. 15 lakhs.

Shri S. C. Samanta: May I know the defects that were found in the first scheme?

Shri Hathi: Mainly, the technical observation of the Central Water Power Commission was that both the arms, namely the north and the south arms of the Mahanadi, may be included so that the benefit may go to both

West Coast Road

*976. **Shri Kodiyan:** Will the Minister of **Transport and Communications** be pleased to state:

(a) whether it is a fact that the West Coast Road that runs in continuation of National Highway No. 47A in Kerala will be taken up for improvement as a Central Sector Scheme;

(b) if so, the estimated cost of the work; and

(c) when the work is expected to be completed?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes, Sir.

(b) The entire road project is estimated to cost roughly Rs. 11.64 crores of which a sum of about Rs. 2.142 crores represents the cost for the portion lying in the Kerala State.

(c) The work is expected to be completed by the end of the Third Five Year Plan.

Shri Kodiyan: In view of the fact that enormous delay has taken place in the construction of this National Highway No. 47A in Kerala and even today a large portion of the work is incomplete, may I know what special efforts Government are making to see that this particular work is completed within the target period?

Shri Raj Bahadur: It is our effort, throughout, to persuade, and insist upon, the State Governments to execute the works as quickly as possible in respect of the national highway; also, in respect of the West Coast roads, the responsibility for the financing of it has been taken over by the Central Government, and we hope that the State Government are trying their level best.

Shri Tangamani: What is the present length of this national highway No. 47A that runs from Kanyakumari to Ernakulam, and what will be the total length after the national highway No. 47 is extended, and how far has the existing national highway No. 47A has been properly tarred?

Shri Raj Bahadur: The question refers to the West Coast Road. I may not be able to give the exact lengths of the national highways No. 47 and 47A.

Shri Tangamani: National Highway No. 47 is about 1,600 miles in length. It is one of the important national highways. Has the hon. Minister not got any figures about this?

Shri Raj Bahadur: There are a number of national highways. I am not carrying the lengths of all these national highways in my mind all the time. The question pertains to the West Coast Road, and I can give the length of that road; it is about 723 miles.

Shri Tangamani: I wanted to know the length of the national highway.

Mr. Speaker: That is different from the West Coast Road.

Shri Raj Bahadur: That is not the subject-matter of the main question.

Shri Tangamani: National Highway No. 47 is already there, and it is going to be extended. I would like to know the total length of the existing highway....

Shri Raj Bahadur: I cannot carry the lengths of all these national highways in my head all the time; it is impossible.

Shri Tangamani: I am only putting my question about national highway No. 47A. The hon. Minister does not care to understand my question. What I want to know is the length of the national highway No. 47A. There is a proposal to extend it, and after that is extended, what will be the final length? May I also know how far the existing national highway No. 47A has been properly tarred, and whether some portion of it has not yet been covered?

Mr. Speaker: The main question is limited. There are thousands of national highways. The main question here is connected with national highway No. 47A only. Further, as the hon. Member will see, part (a) of the question reads thus:

> "Whether it is a fact that the West Coast Road that runs in continuation of National Highway No. 47A in Kerala will be taken up for improvement as a Central Sector Scheme;".

So, the main question relates only to a particular connecting road from the National Highway. The hon. Member may concentrate his supplementary questions on this. The national highway may be long or may be short; we are not concerned with the national highway No. 47A here. The only question here is whether it ought to be connected or not.

Shri Kodiyan: May I know whether this improvement will include construction of new bridges on this particular road, and if so, what amount has been set apart for this purpose?

Shri Raj Bahadur: Our objective, so far as this road is concerned, is to provide a fully-bridged one lane asphalt surface road from Panvel to Chelliseri in Kerala.

Shri Kodiyan: The construction of bridges also will be undertaken?

Shri Raj Bahadur: Yes, they will be fully-bridged roads.

Shri Shivananjappa: What is the progress in the State of Mysore, so far as the West Coast Road is concerned?

Shri Raj Bahadur: So far as Mysore is concerned, I cannot exactly give the length of the road, but I shall give the progress so far as the bridges are concerned. We have already constructed 7 bridges in Mysore, and work on 10 other bridges is also in progress in Mysore; so, in all, there will be 17 bridges in Mysore. I can also say that we have sanctioned estimates totalling up to Rs. 274 lakhs for the sector of the road in Mysore.

Shri Punnoose: Am I to understand that the work does not include the construction of new bridges and repair of some old bridges?

Shri Raj Bahadur: I have said that they will be fully-bridged roads, which means that rivers or the other *nallahs* which are not yet bridged will be fully bridged. (*Interruptions*).

Mr. Speaker: Shri Shivananjappa. (*Interruptions*).

Shri Raj Bahadur: Now, 18 bridges have been completed. 45 bridges still remain to be completed. Out of this work is in progress on 18, and the remaining 27 will remain for the Third Five Year Plan.

Mr. Speaker: Order, order. Unless I have called an hon. Member, the hon. Minister need not reply to his question at all. When I have called Shri Shivananjappa, I find that two other Members are putting questions simultaneously from the other side.

Shri Shivananjappa: May I know how many major bridges have been constructed in the State of Mysore?

Shri Raj Bahadur: I think these bridges are all such as cost more than Rs. 5 lakhs, and they have all been covered.

Shri Jinachandran: May I know how many bridges are to be constructed in each of the States through which this highway passes?

Shri Raj Bahadur: I have just given that information. I shall repeat it for the hon. Member's sake.

Mr. Speaker: He need not repeat it.

Accidental Death of Marine-Engineer

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*977. **Shrimati Renu Chakravartty:**
Shri Muhammed Elias:
Shri Prabhat Kar:
Shri Sadhan Gupta:

Will the Minister of **Transport and Communications** be pleased to state:

(a) whether it is a fact that in the accidental death of a junior marine engineer from Calcutta Port Commissioner's Survey Vessel 'Guide' on the

22nd September, 1959, the vessel did not have a certificate of sailability as required by marine regulations;

(b) whether it is a fact that the lower of the double guard-chains required by marine specifications to protect the fore-deck was missing;

(c) whether it is also a fact that even the remaining chain was not secured by a steel hook and that the accident occurred due to giving way of this guard-chain;

(d) whether whistle apparatus used for sounding danger signals for seeking aid of other vessels also broke down; and

(e) the reasons for not ordering an enquiry by Marine Court as provided for looking into cases of shipping casualties in Indian Merchant Shipping Act, instead of accepting a departmental enquiry?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): A statement is laid on the Table of the House. [*See* Appendix III, annexure No. 64].

Shrimati Renu Chakravartty: In the statement it is stated that the guard chains are taken away when the vessel is taken out even for trial after a refit. There it is stated that the fixtures at end are of rope lashing. Is it not a fact that the rules lay down specifically that the guard chains have to be steel fixed and it is because of this rope giving way that the young marine engineer fell into the water and could not be saved?

Shri Raj Bahadur: The young marine engineer—we are sorry for the accident—fell not merely because this guard chain was not provided. The answer will show that the guard chains are removed and will have to be removed when the vessel is doing buoy work, catting the anchor, mooring and unmooring and going in and out of dock so as to allow free access to the forecastle. It is for that purpose that the guard chains are removed and it was for that purpose it was done. It is true that there was rope lashing at one end. Two apprentices and the young marine engineer, the three of them, reclined against them and tried to see what was going on inside. Because of that he fell down and that is what happened. His duty was in the engine room at that time.

Shrimati Renu Chakravartty: Is it not a fact that even after the accident, the three signals which have to be given according to the Act could not be given as a result also of breakdown?

Shri Raj Bahadur: The answer is complete. A sound signal was also given on the stem whistle of the 'Guide' in order to attract the attention of the craft in the vicinity. It is true that after some time that whistle also failed. But it had been whistling for some time before it failed.

Shrimati Renu Chakravartty: I am afraid I will have to point out to the hon. Minister this. Is it not a fact that it could not fulfil the role of the danger signal whistle which had to be given? It is said only a sound signal was given. The hon. Minister knows perfectly well that 3 or 4 whistles have to be given—I am not clear about the number—and it could not be given and the attention of no craft in the vicinity could be drawn because this whistle also failed.

Shri Raj Bahadur: My notes tell me—I am not a technical person—that this whistle signal is provided only for traffic purposes and not as a danger signal. What is required in such cases is that the life belt should also be taken out and the life boat had also to be lowered down and other steps to be taken. All that was done.

Shri Sadhan Gupta: May I know whether it is a fact that all the life-buoys were stacked together in a different portion of the deck and, as a result, it took time to throw the life-buoy towards the marine engineer; and the buoy had to be thrown behind the marine engineer instead of in front because of the delay?

Shri Raj Bahadur: The answer is clear. I have given full details. But, for the benefit of the hon. Member I will repeat that the life-buoy was thrown into the river at once and a boat was lowered within about two minutes.

Shrimati Ila Palchoudhuri: From the statement I find that the accident occurred due to three persons, including the deceased, resting against the guard chain as a result of which the lashings gave way. How was this ascertained that they were resting against the lashings? Or is it a fact that the lashings just gave way of their own accord?

Shri Raj Bahadur: This has been gathered from the evidence of people who saw the accident when it occurred.

Shri Sadhan Gupta: May I know whether the father of the marine engineer and other friends of his offered to give evidence in the departmental enquiry or in any enquiry that was to be held but they were not called to give evidence in the departmental enquiry?

Shri Raj Bahadur: An enquiry in such accidents is generally set up by the State Government concerned, under the Inland Vessels Act. It is the concern of the State Government. On our part, the Port Commissioners have already held an enquiry. So far as the father is concerned, he has been given a compensation of Rs. 4,500 and two of his sons have been employed as a special case in relaxation of the recruitment rules, one in the........

Mr. Speaker: The hon. Member only wants to know whether his father was examined in this connection when he offered to give evidence.

Shri Raj Bahadur: As I said, the enquiry has to be set up by the State Government.

Mr. Speaker: In the departmental enquiry.

Shri Raj Bahadur: I am not aware of it, Sir.

Availability of Water in Rajasthan

***978. Shri Harish Chandra Mathur:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) what are the prospects of underground water in arid zone of Rajasthan;

(b) what programme of exploration has been carried so far and how it is proposed to be intensified; and

(c) what is the provision and programme of implementation to make underground water supply available?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) It is too early to give a definite reply at this stage, as groundwater exploration in Rajasthan has not yet been completed.

(b) Exploratory bores were drilled, to begin with, at 10 sites in the Districts of Jaisalmer, Jodhpur, Bikaner, Barmer, Churu and Sikar. 15 additional bores are now being drilled in the Jaisalmer and Barmer districts. Ten more tubewells are also proposed to be constructed around Chandan in the Jaisalmer District. Twelve sites are also being explored in the Rajasthan Canal Area.

(c) A sum of Rs. 65 lakhs is proposed to be provided in the Third Five Year Plan of the State Government for the construction of State tubewells for irrigation and for granting loans to private parties for tubewell construction.

Shri Harish Chandra Mathur: May I know what is the programme of work suggested by the Rajasthan Government for the next 2 years? What is their requirement and to what extent is it being satisfied?

Shri M. V. Krishnappa: For the coming two years they are interested in digging 10 wells by the side of the proposed Rajasthan canal and the other 5 wells of the Second Plan which have not been completed have to be completed also.

Shri Harish Chandra Mathur: My question is this. What is the programme of work which the Government of Rajasthan has suggested? Do they not want that the work should be extensive and that a larger number of rigs should be made available? What is the extent of assistance they require and to what extent are we giving that?

Shri M. V. Krishnappa: Wherever the exploratory project has succeeded, for example in the Chandan area, they have a big programme to dig more wells for which the Rajasthan Government, in the Third Plan, has provided Rs. 65 lakhs. As far as our exploratory tube-well programme is concerned, they have suggested 2 programmes, by the side of the Rajasthan canal and in some other two districts.

Shri Harish Chandra Mathur: Is the hon. Minister aware that particularly in the Barmer district where there is no other source of water supply exploration has succeeded and the Rajasthan Government has requested the Central Government to intensify the programme in Barmer areas? May I know what is the work that is being undertaken?

Shri M. V Krishnappa: In Barmer area our wells have not been success ful. It has been a failure. Only in the Jaisalmer area the wells have been successful. The Chandan well has done exceedingly well. It has given nearly 51,000 gallons per hour. There, we have an additional programme but not in the Barmer area.

Shri Amjad Ali: Some time ago the services of Paniwala Maharaj were utilised in the Rajasthan area. May I know whether it is a fact that due to the exorbitant demand of the State Government on account of incometax the Paniwala Maharaj's services were given up?

Shri M. V. Krishnappa: As soon as Shri Kidwai took over the Paniwala Maharaj was the first to be dismissed. Since then, Exploratory Tube-well Organisation is doing the work of the Paniwala Maharaj.

Shri Yadav Narayan Jadhav: Will the Government think of revising its views about the definition of successful wells especially in scarcity areas?

Shri M. V. Krishnappa: We are considering that now. At present, unless a tube-well takes up 20,000 gallons per hour we do not call it an economic well. But, in view of the scarcity of water in some arid zones like parts of Maharashtra, Rayalaseema and Rajasthan, Government is thinking of whether we can bring it down—the limit to 15,000 gallons per hour.

Raja Mahendra Pratap: May I know whether the India Government will try that system which is being tried in Iran—that they dig wells at short distances and run the channel down below so that there is no evaporation?

Shri M. V. Krishnappa: We shall finish this system and then go to the other one. We want to see that this exploration work is completed first.

Shri Harish Chandra Mathur: Is the hon. Minister aware that Rajasthan's simple request is that the number of rigs be raised from 2 to 6? Would the Government be able to do anything in the matter? If not what are the reasons?

Shri M. V. Krishnappa: We are also short of rigs as also the State Government organisations. We are trying our best to get more rigs. Because of foreign exchange difficulties we are not getting all the rigs we wanted. Still attempt is being made to get more rigs. The Rajasthan Government, the Andhra Government and the Madras Government and some others have asked for more rigs.

Shri Damani: May I know whether the scheme was drawn in consultation with the Rajasthan Government or by the Central Government itself?

Shri M. V. Krishnappa: The exploration work is ours. The places are suggested by the Rajasthan Chief Engineer and a Committee on experts on which the Exploratory Tubewell Organisation is represented.

SHORT NOTICE QUESTION

Situation in Laos

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S.N.Q. No. 4. **Shri Vidya Charan Shukla:**
Shri Hem Barua:

Will the **Prime Minister** be pleased to state:

(a) whether the North Viet Nam Government have urged the Government of India to take urgent action to stop foreign intervention in Laos; and

(b) the action, if any, taken in the matter?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) and (b). Yes, the Democratic Republic of Viet Nam has drawn the attention of the Government of India to the dangerous situation in Laos. The Government of India have drawn the attention of the two Co-Chairmen of the Geneva Conference, namely, the Foreign Ministers of the U.K. and the U.S.S.R., to this message and to this dangerous situation in Laos. The Government have suggested that the International Commission for Laos, which had been adjourned *sine die*, should meet, as this might help comewhat in normalising the situation.

Shri Vidya Charan Shukla: There are three Governments claiming to be the legal Governments in Laos. May I know which of these Governments we recognise?

Shri Sadath Ali Khan: The Souvanna Phouma Government which was a sort of a middle of the way Government.

Shri Vidya Charan Shukla: Is it necessary to have the consent of the Laotian Government before the International Commission for Snpervision and Control can be activated in Laos?

Shri Sadath Ali Khan: Will the hon. Member kindly repeat the question? (*Interruptions*).

Shri Vidya Charan Shukla: Is it necessary to have the permission of the Laotian Government before the Commission is reactivated?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): It is not easy for any Commission to function without the cooperation of the functioning Government there. It is not a question of theoretical permission or not; it is a practical question. It will be correct to say that the Commission does not function under the authority of the Laotian Government; it functions on the authority of the Geneva Conference held five years ago. It will not be correct to say that the Laotian Government can order it about but practically speaking, if it puts obstruction in the way, it is difficult for it to function. For sometime past, the Commission has not functioned because the then Laotian Government wanted it to be wound up and at least one of the members of the Commission withdrew from it on the ground that the Laotian Government did not want it. Ultimately, there was a sort of a suspension but it still exists and it can be called back. But at the same time it exists rather in the air. One member—our member is there; he is appointed, although he is not there. The Polish member is also available. The Canadian Government would have to appoint a member to it now.

Shri Vidya Charan Shukla: May I know if any reply has been received from the British Prime Minister to whom this matter has been referred?

Shri Jawaharlal Nehru: No, Sir; not yet.

Shri Vajpayee: May I know if the Government is in agreement with the Laotian Government that there is foreign intervention in Laos and if so which are the countries that are intervening in Laos against the International Agreement?

Shri Jawaharlal Nehru: Which Laotian Government is the hon. Member referring to?

Shri Vajpayee: The Laotian Government which has written to the Government of India.

Shri Jawaharlal Nehru: There can be no doubt at all that there has been foreign intervention for sometime past.

Dr. Ram Subhag Singh: Having regard to the fact that the big powers of the world are taking active interest in determining the fate of Laos, may I know whether it will be possible for the International Supervisory Commission to change the course of events there, even if it so desires?

Shri Jawaharlal Nehru: Changing the course of things is rather a big thing. But they are not there even to observe the course of events at the present moment.

Shri Joachim Alva: Have we again pointedly drawn the attention of the signatories to the Geneva Agreement that the main spirit has been violated in the sense that free elections have not taken place there?

Shri Jawaharlal Nehru: The hon. Member has brought in the question of election; that is another issue; it does not arise now though it might have arisen sometime ago.

Shri Sadhan Gupta: May I know whether Poland one of the other two members has been consulted in this matter and whether Poland has also written to the Co-Chairmen to reactivise the work of this Commission?

Shri Jawaharlal Nehru: Not that I am aware of. But I do not think that Poland is opposed to this. I do not know if they have addressed the Co-Chairmen.

Shri Chintamoni Panigrahi: May I know whether any intimation has been received from the Government of the USSR and if so whether there is any possibility of the International Commission meeting soon?

Shri Jawaharlal Nehru: I cannot say if there is a possibility or not. The first thing is for the two Co-Chairmen to express their opinions on that subject and secondly, they may well say that the Laotian Government should agree. In fact the Canadian Government has more or less indicated that they would be prepared to participate again in this Commission provided the Government there in Laos agrees. At the present there is the difficulty. I do not know what Government is there and what will continue.

Shri Vidya Charan Shukla: Do the Government propose to raise this question in the current session of the UN General Assembly if the present efforts of settlement do not succeed?

Shri Jawaharlal Nehru: This matter has not been dealt with by the UN General Assembly at any stage. This flows from the Geneva Conference. It has never come up before the UN General Assembly; although the UN General Assembly is apprised of it, it has never interfered in it.

WRITTEN ANSWERS TO QUESTIONS

भूतपूर्व रियासतों के शासक जिन के पास जहाज और हवाई जहाज हैं

***६७३. श्री डामर :** क्या **परिवहन तथा संचार** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या किसी भूतपूर्व रियासत के शासक के पास अपना जहाजी बेड़ा या हवाई जहाज है ; और

(ख) यदि हां, तो उसका ब्यौरा क्या है ?

असैनिक उड्डयन उपमंत्री (श्री मोइउद्दीन) (क) और (ख). किसी

साबिक हुक्मरां के नाम पानी का जहाज रजिस्टर नहीं है । एक साबिक हुक्मरा के नाम नौनशिड्यूल (Non-Schedule) हवाई जहाज का इजाजतनामा जारी है और उसकी कम्पनी दरभंगा एवियेशन के पास ३ डकोटा और २ बीचक्राफ्ट वोनांजा है ।

Indian Airlines Corporation

*979. **Shri T. V. Vittal Rao:** Will the Minister of **Transport and Communications** be pleased to state:

(a) whether there was a defalcation of Rs. 40,000 in April 1960 in the Calcutta area office of Indian Airlines Corporation;

(b) if so, whether an investigation was conducted;

(c) who was found responsible for this defalcation; and

(d) what action has been taken against those found responsible?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) The Indian Airlines Corporation have reported that there was a temporary misappropriation of Rs. 35,000 in March, 1960 in their Calcutta office by the Chief Cashier who made good the amount at the end of August, 1960.

(b), (c) and (d). The misappropriation of funds came to light in October, 1960. Investigations conducted revalued that the temporary misappropriation was connected with the defalcation amounting to Rs. 1:47 lakhs which is covered by Starred Question No. 623 answered on the 1st December, 1960.

Telegraph Messages

*980. **Shri B. K. Gaikwad:** Will the Miniser of **Transport and Communications** be pleased to state:

(a) whether it is a fact that a number of Telegraph messages are being sent by post daily to and from New Delhi Central Telegraph Office;

(b) if so, the number of messages sent by post instead of by wire during the period January to November, 1960; and

(c) the reasons for the same?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) Not daily but occasionally.

(b) 95279 telegrams were sent from and 78928 were sent to New Delhi Central Telegraph Office by post. These represent approximately 0·9 per cent. of the total traffic.

(c) Due to the normal lines of communications remaining interrupted and the general strike in July, 1960.

Third Plan Outlay for Railways

*981. **Shri Tangamani:** Will the Minister of **Railways** be pleased to state:

(a) whether there is a proposal to increase the Plan outlay for Raiways for Third Five Year Plan;

(b) if so, by how much;

(c) what will be the share of Southern Railway; and

(d) how much will be spent on Southern Railway during the Third Plan?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) and (b). The matter is under consideration of the Planning Commission.

(c) and (d). The plan outlay is distributed according to main heads of Plan expenditure and not Railway-wise.

Development of Agriculture in Tripura

*982. **Shri Bangshi Thakur:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that the Tripura Administration has spent Rs. 16 lakhs only in 4½ years out of the total estimated amount of Rs. 39 lakhs which was to be spent for the development of agriculture in Tripura during the Second Five Year Plan; and

(b) if so, the reasons as to why the full amount has not been utilised and how far the development of agriculture in Tripura has suffered?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) No, Sir. The amount spent in 4½ years is about Rs. 26.68 lakhs.

(b) Does not arise.

Purchase of Rice from U.A.R.

*983. **Shri Raghunath Singh:**
Shri P. C. Borooah:
Shri Ram Krishan Gupta:
Shri Koratkar:
Shri Assar:

Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the U.A.R. has offered more rice to India; and

(b) if so, on what terms?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) Yes, Sir.

(b) As the offer is now under consideration it would not be desirable to disclose this information.

Train Collision

*984. **Shri D. C. Sharma:**
Shri Aurobindo Ghosal:
Shri Subiman Ghosh:

Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that 23 persons were injured when the engine of a Sealdah bound local train bumped into the rear bogie of another Sealdah bound train at Ultadanga station near Calcutta;

(b) if so, whether any enquiry has been instituted into the matter;

(c) the number of persons injured seriously; and

(d) whether any compensation has been given to them?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) In the accident which occurred at Ultadanga Road station on 4th December, 1960, 34 persons were injured.

(b) Yes, Sir.

(c) Four.

(d) Not, yet, Sir.

Stocks of Rice and Paddy in Tripura

***985. Shri Dasaratha Deb:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the total quantity of rice and paddy in Government godowns in Tripura;

(b) whether these stocks are fast deteriorating; and

(c) if so, the steps taken to dispose of such Government stocks before these become unfit for human consumption?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) Rice—11,149 Metric Tonnes.

Paddy—959 Metric Tonnes.

(b) No, Sir.

(c) Does not arise.

Barsoi-Siliguri Line

*986. **Shri P. C. Borooah:** Will the Minister of **Railways** be pleased to state:

(a) when the construction of the broad gauge line from Barsoi to Siliguri will be completed;

(b) whether the Tildanga-Farraka broad gauge line will be opened to passenger traffic in the near future; and

(c) if so, when?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a). It is likely to be completed some time next year, depending upon receipt of Permanent Way materials.

(b) and (c). No date has yet been fixed.

Train Accident near Delhi

***987. Shri Ram Saran:**
Shri Ram Krishan Gupta:

Will the Minister of **Railways** be pleased to state:

(a) whether the 14 Down Upper India Express collided with a truck five miles from Delhi on Saturday night the 3rd of December, 1960 after the train had left Delhi Station at 8-10 P.M.;

(b) whether the smashed truck was dragged for about 200 yards and blocked both the tracks;

(c) whether the train for Saharanpur which approached the scene of the accident could be stopped in time to avert a collision;

(d) whether some important trains had to wait for more than four hours to start from or reach Delhi; and

(e) how it took about five hours to clear the track at a place so near Delhi?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) to (d). Yes Sir.

(e) It took about four hours to clear the track. There was no avoidable delay in clearance operations.

Wheat Stock in Madhya Pradesh

***988. Shri Mahanty:**
Shri Ram Krishan Gupta:

Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Government of Madhya Pradesh had approached Government of India to lift its wheat stock; and

(b) if so, what steps were taken by Government in the matter?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) and (b). No, Sir, the Madhya Pradesh Government had sought the assistance of the Government of India only in the disposal of their stocks of wheat. The matter is under consideration at present.

Tokens for Making Telephone Calls

***989. Shri Ram Krishan Gupta:** Will the Minister of **Transport and Communications** be pleased to refer to the reply given to Unstarred Question No. 1566 on the 26th August, 1960 and state whether the proposal for manufacture of tokens for making telephone calls has since been settled in consultation with the Ministry of Finance?

The Minister of Transport and Communications (Dr. P. Subbarayan): The proposal has since been dropped.

दिल्ली में नया अस्पताल

***९९० श्री भक्त दर्शन :**
श्री अजित सिंह सरहदी :

क्या **स्वास्थ्य** मंत्री २ अगस्त, १९६० के तारांकित प्रश्न संख्या ४३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि नई दिल्ली स्थित अखिल भारतीय चिकित्सा संस्था में ६५० विस्तर वाले एक अस्पताल की स्थापना के बारे में अब तक क्या प्रगति हुई है ?

स्वास्थ्य मंत्री (श्री करमरकर) : अस्पताल के बहिरंग रोगी विभाग के निर्माण कार्य को संस्था की भवन समिति द्वारा मान्य एक ठेकेदार को शीघ्र ही सौंप दिये जाने की आशा है । ६५० बिस्तरों वाले अस्पताल तथा सम्बन्धित भवनों के निर्माण के प्राक्कलन विचाराधीन हैं ।

Telephone Dues

*991. **Shri Vidya Charan Shukla:** Will the Minister of **Transport and Communications** be pleased to state:

(a) whether it is a fact that 21 State Government establishments in Bhopal failed to pay their telephone bills in spite of repeated notices and reminders;

(b) whether telephone connections had to be cut off; and

(c) whether dues have since been cleared?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) Yes.

(b). Yes.

(c) Yes and the telephones restored.

Master Plans for Cities

*992. **Shri Harish Chandra Mathur:** Will the Minister of **Health** be pleased to state;

(a) whether any advice has been given by the Central Government to the State Governments to get master plans prepared in respect of all cities;

(b) what is the nature of the action and State Governments' reactions and follow-up action in the matter; and

(c) whether adequate personnel is available to prepare the master-plans?

The Minister of Health (Shri Karmarkar): (a) to (c). A statement explaining the position in detail in respect of each point is laid on the Table of the Sabha.

STATEMENT

(a) The desirability of master plans being prepared in respect of cities and towns has been indicated in the Second Five Year Plan which lays emphasis on the importance of planning the future course of urban development in the country and suggests to each State to have a phased programme for the survey and preparation of master plans for all important towns. The plan also suggested early attention to be given to towns and cities such as Delhi, Bombay, Calcutta, Madras, Ahmedabad, Hyderabad, Kanpur, Lucknow, Poona etc. In the Conference of State Ministers for Town and Country Planning held at Bangalore on November 7, 1960, the desirability of preparing plans for cities and towns in accordance with the above directives in the Plan was appropriately brought to the notice of the different States.

(b) The recommendations in regard to master plans for all important towns have been generally accepted by all the State Governments. From the information received from the various States, it appears that almost all the States are making attempts to take up the preparation of master plans for bigger cities. The progress made by the States in this regard was reviewed at the above Conference of State Ministers for Town and Country Planning. It is now for the State Governments to make necessary provision in their respective Five Year Plans.

(c) An adequate number of qualified personnel is not immediately available in the country to undertake the preparation of master plans for all the cities and towns. There are only three schools at present for imparting training in town and country planning. The Ministry of Scientific Research and Cultural Affairs are, however, considering augmentation of these training facilties so as to produce 100 qualified twon planners per year by the end of the Third Five Year Plan. The State Governments have been advised about the programme for augmentation of training facilities and have been requested to take full advantage of the presently available facilities as well as the new facilities that will be created.

Conference of State Transport Commissioners

***993. Shri Tangamani:** Will the Minister of **Transport and Communications** be pleased to state:

(a) whether in conference of State Transport Commissioners at Bombay on 26th and 27th November, 1960 it was decided to increase credit facilities to transport operators;

(b) if so, what is the proposal of the Government in this regard; and

(c) what would be the nature of help to nationalised transport and to private transport operators?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) to (c). The question of providing credit facilities to transport operators in the private sector for purchase of commercial vehicles was discussed at the Conference of State Transport Commissioners|Controllers held at Bombay in November, 1960. The Conference recommended that a scheme for setting up State Transport Finance Corporations or similar agencies should be drawn up by the Govt. of India and circulated to the State Govts. for comments. Action to prepare the necessary scheme is being taken.

Facilities for Rabies Cure in Delhi

***994. Shrimati Ila Palchoudhuri:** Will the Minister of **Health** be pleased to state:

(a) whether Government of India's attention has been drawn to the lack of facilities for rabies cure in Delhi;

(b) if so, the steps taken or proposed to be taken for proper and adequate treatment facilities to be made available at various hospitals in various localities of the Capital?

The Minister of Health (Shri Karmarkar): (a) Government have seen press reports to this effect.

(b) There are three hospitals and four Anti-rabic Treatment Centres in Delhi and New Delhi where adequate facilities for anti-rabic treatment are available.

Clash among Railway Passengers at Hissar

***995. Shri D. C. Sharma:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that eighteen passengers travelling in a train on the Bikaner-Hissar Section were injured late on Sunday night (20th November, 1960) as a result of a clash between a party of 60 Akalis travelling by the train with their fellow passengers at Hissar Railway Station;

(b) the circumstances leading to the clash;

(c) the number of persons injured on both sides separately; and

(d) the steps taken in the matter?

The Deputy Minister for Railways (Shri S. V. Ramaswamy): (a) and (b). Yes Sir. On the night of November 20, a marriage party and some Akalis (released from jail that day) were to leave Hissar by a passenger train scheduled to start at 22-30 hours. The Akalis who had already occupied two compartments prevented the marriage party from entering the one which had sufficient accommodation available. This led to a physical clash, as a result of which 20 persons of both the parties sustained minor injuries.

(c) 5 members of the marriage party and 15 Akalis.

(d) The followings steps were taken in the matter:

- (i) The G.R.P. and Civil Police who were present at the spot arrested 6 Akalis and registered a case under section 120 I.R.A. and under Sections 148|149|324 & 325 of the IPC;
- (ii) the train in question was escorted by R.P.F. and G.R.P. personnel;
- (iii) arrangements have also been made to obtain prior advice

from the Distt. and Jail authorities about future releases of Akalis to enable necessary precautionary measures being adopted.

Civilian Pilots

*996. **Shri S. M. Banerjee:**
Shri Madhusudan Rao:
Shri H. N. Mukerjee:
Shri Tangamani:

Will the Minister of **Transport and Communications** be pleased to state:

(a) whether it is a fact that nearly 70 civilian pilots who were trained by Government are still unemployed;

(b) the number of those who were trained;

(c) whether Government spent Rs. 75,000 on training of each pilot; and

(d) the steps taken by Government to provide them employment in Indian Air Force?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) About 34 such pilots holding current licenses were unemployed on 30-9-1960.

(b) One hundred and seventy four.

(c) The amount spent by Government per trainee for the two years' Pilot's course during the years 1957 to 1959 works out to Rs. 40,000 approximately.

(d) Although the Government do not undertake any responsibility for providing jobs to the trainees, the question of absorbing some of the unemployed Pilots has been referred to the Ministry of Defence for consideration.

Investigation into the Construction Work on S.E. Railway

*997. **Shri Ram Krishan Gupta:**
Shri T. B. Vittal Rao:

Will the Minister of **Railways** be pleased to refer to the reply given to Unstarred Question No. 1300 on the 23rd August, 1960 and state:

(a) whether Government have since considered the report of Special Police Establishment regarding investigation into the construction work executed under the supervision of the Deputy Chief Engineer (Construction) and a District Engineer of the South Eastern Railway which was later found below the standard specification; and

(b) if so, the result thereof?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) and (b). Yes Sir; the Engineer-in-Chief and the District Engineer have been held not responsible for departing from the specification, as such deviation had the approval of the competent authority.

Porters at Manmad Station

1959. Shri Pangarkar: Will the Minister of **Railways** be pleased to state:

(a) the number of porters registered at Manmad Junction of Central Railway;

(b) the details of complaints received against them during the year 1959-60; and

(c) the action taken by Government?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) 100.

(b) and (c). A statement is laid on the Table [*See* Appendix III, annexure No. 65].

Derailment of Upper India Express

1960. Shri Pangarkar: Will the Minister of **Railways** be pleased to state whether it is a fact that thirteen persons received injuries when a bogie of the 13 Up Upper India Express derailed between Baruna and Baxur Stations of the Eastern Railway on the 10th September, 1960?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): None were injured when a bogie of the 13 Up

Upper India Express derailed between Baruna and Buxar station on the 9th September, 1960.

Railway Magistrates

1961. Shri Subiman Ghose: Will the Minister of **Railways** be pleased to state:

(a) whether Deputy Magistrates, and Lower Magistrates with first class powers since retired are working as Magistrates in Eastern and North-East Frontier Railways;

(b) if so, the number of such Magistrates in each Zone; and

(c) the reasons for appointing the said Magistrates with higher pay instead of appointing new ones?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes.

(b) One on the Northeast Frontier Railway and four on the Eastern Railway.

(c) The appointment of Railway Magistrates is made by the State Governments, who have found it difficult to spare serving officers.

Level Crossings in Quilon Town

1962. { Shri M. K. Kumaran:
Shri Kodiyan:

Will the Minister of **Railways** be pleased to state:

(a) whether the attention of Government has been drawn to the traffic difficulties caused by the existence of four level crossings in the heart of the Quilon Town (Southern Railway); and

(b) whether Government have any proposal to remove those difficulties?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes, Sir.

(b) The replacement of level crossings by over|under-bridges is planned on receipt of specific proposals from the Road Authority|State Government concerned who have also to bear their share of the cost of such works. The Government of Kerala have so far recommended the replacement of only one of these four level crossings where the traffic is heavy, by an overbridge. Plans have been prepared for this overbridge and are under examination of the State Government, and the work will be undertaken as soon as these have been approved.

The detention to road traffic at the other three level crossings is only of short durations.

Co-operative Sugar Factories in Andhra Pradesh

1963. Shri Rami Reddy: Will the Minister of **Community Development and Co-operation** be pleased to state:

(a) how many sugar factories in the co-operative sector are expected to be set up by the end of the Second Five Yar Plan in Andhra Pradesh;

(b) what is the capacity of each of them;

(c) what is the estimated cost of each of them; and

(d) the location of these factories?

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): (a) Seven Co-operative Sugar Factories are expected to be set up in Andhra Pradesh by the end of the 2nd Five Year Plan.

(b) to (d). A statement giving details of the information required is laid on the Table. [*See* **Appendix III,** annexure No. 66].

Bridge across 'Vasishta' in Andhra Pradesh

1964. Shri Rami Reddy: Will the Minister of **Transport and Communications** be pleased to state:

(a) the progress made in the construction of the bridge across the River Vashishta in Andhra Pradesh;

(b) when the construction of the Bridge was started;

(c) when the completion is expected;

(d) what is the estimated cost of the construction when it was originally sanctioned;

(e) whether the estimates have been revised subsequent to the sanction;

(f) if so, what are the revised estimates;

(g) what are the reasons for the revision of the estimates;

(h) what is the agency through which the schemes is being executed; and

(i) whether both the Central and State Governments have to contribute towards the expenditure and if so, what is the share borne by each of them?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). The work is expected to be started shortly.

(c) Within three years of its commencement.

(d) Rs. 94.19 lakhs.

(e) No sir.

(f) and (g). Do not arise.

(h) The work will be executed by contract, through the Andhra Pradesh Public Works Department.

(i) Yes, Sir. The Government of India and the State Government of Andhra Pradesh have to share the expenditure in the ratio of 7:1.

Resin Factories

1965. Shri Hem Raj: Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Unstarred Question No. 1784 on the 31st August, 1960 and state whether in view of the short supply of resin in the country Government propose to set up more resin factories in the resin producing areas during the Third Five Year Plan period?

The Minister of Agriculture (Dr. P. S. Deshmukh): There are no proposals for setting up Resin Factories in the Central Sector during the Third Plan period. The State Governments are concerned with the establishment of such factories.

Resin Produced in Himachal Pradesh

1966. Shri Hem Raj: Will the Minister of **Food and Agriculture** be pleased to state the quantity of resin obtained from the forests in the Himachal Pradesh during the years 1952 to 1960 so far District-wise and year-wise?

The Minister of Agriculture (Dr. P. S. Deshmukh): Information is being obtained and will be placed on the Table of the Sabha when received.

Complaints at Moghalsarai Station

1967. Shri Sarju Pandey: Will the Minister of **Railways** be pleased to state:

(a) the number and the nature of complaints lodged at Moghalsarai Junction Station in the complaint book during 1959-60; and

(b) the nature of action taken or proposed to be taken on those complaints?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) and (b). A statement is laid on the Table.

STATEMENT

(a) During the period 1st April, 1959 to 30th September, 1960, 116 complaints were recorded in the Complaint Book kept at Moghalsarai Junction.

The number and the main items of complaints are as follows:—

Main item	*No.*
(1) Incivility	17
(2) Bribery and Corruption	3
(3) Irregular working of Commercial staff such as late opening of booking windows, absence from duty, refusal to book goods.	32

(4) Irregular train service.	1
(5) Mechanical defects *i.e.* fans or lights not working properly.	3
(6) Unsatisfactory catering arrangements.	30
(7) Lack of amenities.	12
(8) Miscellaneous complaints	12
(9) Complaints against licensed porters.	..
TOTAL	116

(b) Steps have been taken to rectify the defects that gave rise to the complaints and the staff found liable have also been suitably dealt with.

Trunk Roads in Uttar Pradesh

1968. Shri Sarju Pandey: Will the Minister of **Transport and Communications** be pleased to state:

(a) whether any of the trunk roads in Uttar Pradesh is included in the list of the national highways; and

(b) the amount spent during each year of the Second Five Year Plan period for maintenance of those roads?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) The following trunk roads lying in Uttar Pradesh State have been classified as National Hhighways.

(1) Delhi-Ghaziabad - Moradabad-Bareilly-Lucknow road (National Highway No. 24).

(2) Lucknow-Fyzabad - Gorakhpur road (Part of National Highway No. 28).

(3) Agra-Gwalior Section (Part of National Highway No. 3).

(4) Lucknow-Kanpur-Jhansi road (Part of National Highway No. 25).

(5) Delhi-Agra-Shikohabad-Kanpur Allahabad-Varanasi to Uttar Pradesh/Bihar Border roads (Part of National Highway No. 2).

(6) Gorakhpur-Ghazipur-Varanasi road (National Highway No. 29).

(7) Mirzapur-Rewa road (National Highway No. 7),

(8) Allahabad-Rewa road (National Highway No. 27).

(9) Jhansi-Saugor road (National Highway No. 26).

(b) The following amounts have been spent for maintenance of these roads in Uttar Pradesh during each year of the Second Five Year Plan:

Year	Amount
	Rs.
1956-57 .	55·76 lacs
1957-58 .	48·19 lacs
1958-59 .	50·40 lacs
1959-60 .	51·43 lacs
1960-61 .	37·60 lacs (Allotment made so far).

New Lines in U.P.

1969. Shri Sarju Pandey: Will the Minister of **Railways** be pleased to state:

(a) whether the Government of U.P. have requested the Centre to construct any new railway lines in the eastern part of U.P. during the Third Five Year Plan;

(b) if so, which are the lines proposed by the State Government; and

(c) whether the construction of any one of these lines will be taken up during the Third Five Year Plan period?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Recommendations of U.P. Government for new lines in Third Plan are still awaited.

(b) and (c). Do not arise.

Rolling Stock

1970. Shri D. C. Sharma: Will the Minister of **Railways** be pleased to state:

(a) the number of new locomotives, coaches and wagons which have been allocated to the Northern Railway on the broad gauge and metre gauge during the First Five Year Plan and the Second Five Year Plan periods so far; and

(b) the number of such rolling stock which will be put on the rails in Northern Railway during the remaining period of the Second Five Year Plan?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) and (b). A statement is laid on the Table. [*See* Appendix III, annexure No. 67.]

Telephone connections

1971. Shri D. C. Sharma: Will the Minister of **Transport and Communications** be pleased to state:

(a) the number of applications for telephone connections pending in Batala City (Punjab); and

(b) steps being taken to accelerate the sanction of connections?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) 164.

(b) The capacity of Batala Exchange has recently been increased from 150 to 200 lines and new connections will be provided progressively. Steps are also being taken to further expand this exchange to 400.

Amritsar-Pathankot Road

1972. Shri D. C. Sharma: Will the Minister of **Transport and Communications** be pleased to state:

(a) whether the Government of Punjab have sent a proposal for widening of the Amritsar-Pathankot road; and

(b) if so, the decision taken thereon?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) No, Sir.

(b) Does not arise.

Railway Overbridges in Punjab

1973. Shri D. C. Sharma: Will the Minister of **Railways** be pleased to state the number of overbridges proposed to be constructed during 1960-61 and 1961-62 in Punjab along with the names of places?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): Such information is not compiled State-wise but Railway-wise.

Batala Station

1974. Shri D. C. Sharma: Will the Minister of **Railways** be pleased to state the progress made in the works of providing cover of platforms and extension of foot overbridge at Batala Station of Punjab?

The Deputy Minister of Railways (Shri Shahnawaz Khan): There is only one platform at this station and as such there is no necessity for any overbridge. The question of extension does not arise. As regards a shed over the platform, the work has been proposed for inclusion in the 1962-63 Works Programme subject to the availability of funds and approval by the Railway Users' Amenities Committee.

Railway arrangements for 'Govind Dwadashi' at Puri

1975. { Shri Chintamoni Panigrahi:
Dr. Samantsinhar:

Will the Minister of **Railways** be pleased to state:

(a) whether the Railway Ministry has received any request from the Orissa Government for making adequate railway travel arrangement for meeting the rush of pilgrims to Puri for the ensuing Govind Dwadashi bathing at Puri, an occasion that comes once in hundred years;

(b) whether reports have reached the Railway authorities that there will be a rush of more than ten lakhs of Pilgrims to Puri on this occasion;

(c) if so, whether the Railway authorities are proposing to take adequate measures in advance to meet this rush; and

(d) if so, the nature of measures proposed to be taken by the Railways to meet this rush both ways?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes.

(b) Yes.

(c) Yes.

(d) Consistent with the availability of coaches, locomotives, line capacity and room on trains, arrangements will be made to provide additional accommodation on regular trains and also to run special trains, as the traffic offering may warrant. Improved sanitary arrangements and additional-booking facilities and other passenger amenities etc. will also be provided at the stations concerned.

Public Health Precautions during Govind Dwadashi at Puri

1976. Dr. Samantsinhar: Will the Minister of **Health** be pleased to state:

(a) whether the Orissa State Government has requested the Central Government for any financial and technical help to prevent epidemics during the Govind Dwadashi bath in Puri in the month of February, 1961;

(b) in view of many people coming to Puri for this bath from various parts of the country have the State Government held consultations with the Central Government for special health measures during that time; and

(c) if so, what are the special measures taken for the safety of the pilgrims?

The Minister of Health (Shri Karmarkar): (a) and (b). No.

(c) Does not arise.

Andamans Forest Department

1977. Shri D. C. Sharma: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the amounts allotted during the financial year 1960-61 to the Andamans Forest Department for the following items:—

(i) General Administration;

(ii) Colonisation and Rehabilitation; and

(b) the amounts utilised so far?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). The information is given below:—

	Amount provided in the Budget Estimates for 1960-61	Amount utilised upto October, 1960
(i) General Administration	Rs. 10,04,000/-	5,50,5 [illegible]
(ii) Colonisation	Rs. 9,25,000/-	3,74,127/-

Note.—In the Forest Department budget, there is no provision for rehabilitation. The provision under Colonisation is for clearance of jungles and uprooting stumps, etc.

Loco Workshops on N. Railway

1978. Shri D. C. Sharma: Will the Minister of **Railways** be pleased to state:

(a) the total number of Loco Workshops on Northern Railway at present;

(b) the total number of labourers employed in each of the Workshops;

(c) the total number of engines repaired at each of the Workshops during 1960; and

(d) the total amount spent by Railways at each of the Workshops for (i) primary, and (ii) secondary education during 1960?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) to (d). A Statement furnishing the required information is laid on the Table. [*See* Appendix III, annexure No. 68].

Departmental Catering

1979. Shri D. C. Sharma: Will the Minister of **Railways** be pleased to state the amount of loss or profit in departmental catering on Indian Railways during 1960-61 so far?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): As per Revised Estimates for the year 1960-61, the loss on departmental catering is expected to be Rs. 3,36,000.

Audited figures for the first two quarters of the current financial year are not yet available.

Change of name of Station

1980. Shri Yadav Narayan Jadhav: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that there is a representation on behalf of the residents nearby Panjan Station on the Central Railway in the District of Nasik to the effect that the name of this station be changed as Kasabe Mandwad;

(b) what is the reaction of Government thereto; and

(c) whether it is a fact that there is village or river by name Panjan nearby this station?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes.

(b) It is not proposed to change the name with a view to avoid confusion with the name of Mandvad an existing station on Western Railway.

(c) Yes. There is a river by name Panjan 7 miles north of Panjhan station.

Pantoon Bridge over Ram Ganga

1981. Shri Ram Saran: Will the Minister of **Transport and Communications** be pleased to state:

(a) whether a proposal to construct a pantoon bridge over Ram Ganga near Moradabad in Uttar Pradesh has received the final sanction of the Government;

(b) whether the bridge is likely to be constructed; and

(c) whether Government are aware of the difficulty and hardship the public has to encounter in crossing the river over the Railway bridge?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) No, Sir. The estimate for the work has recently been returned to the State Chief Engineer for necessary modifications.

(b) and (c). Ys, Sir.

Radio Licences

1982. Shrimati Ila Palchoudhuri: Will the Minister of **Transport and Communications** be pleased to refer to the reply given to Starred Question No. 1229 on the 8th September, 1960 and state:

(a) the total number of radio sets found to have been either dismantled or disposed of during 1959-60 as compared to 1958-59;

(b) the total number of licensees prosecuted and the nature of punishment awarded to them during 1959-60 as compared to 1958-59; and

(c) the total number of licensees not traced in 1959-60 as compared to 1958-59?

The Minister of Transport and Communications (Dr. P. Subbarayan):

(a)	1959-60	24973
	1958-59	20318

(b) No. of Licensees

(i) Prosecuted.

1959-60	..	573
1958-59	..	788

(ii) No. of cases of Conviction.

1959-60	..	104
1958-59	..	269

(iii) Amount of fine imposed.

1959-60	Rs. 8079.25
1958-59	Rs. 11,248.08

(c) 1959-60	..	19907
1958-59		15107

Purchase of Aircrafts

1983. Shri P. G. Deb: Will the Minister of **Transport and Communications** be pleased to refer to the reply given to Unstarred Question No. 2385 on the 8th September, 1960 and state:

(a) the names of the factories from whom the Aircrafts were purchased; and

(b) the programme of purchases for the next year?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) The names of the factories from which the aircraft were purchased during the years 1958 and 1959 are given below:—

Particulars of Aircraft	Name of the factory from which purchased
1. One Piper Super Cub.	Piper Aircraft Corporation, Lock Haven Pennsylania, U.S.A.
2. Two Super Constellations	Lockheed Aircraft Corporation, U.S.A.
3. Five Viscounts	M/S. Vickers Armstrong Aircraft Ltd. Surrey, England.

(b) Orders for the purchase of a fourth Boeing 707 jet aircraft by the Air Indian International Corporation from Boeing Airplane Company, Seatle, Washington, U.S.A. and five Fokker F-27 Friendship aircraft by the Indian Airlines Corporation from M|s. Royal Netherlands Aircraft Factories Fokker Amsterdam (Holland) were placed in 1960 with the approval of the Central Government. The aircraft are due to be delivered in the first quarter of 1961.

Modern Bus and Truck Terminal in Delhi

1984. Shri Ram Krishan Gupta: Will the Minister of **Transport and Communications** be pleased to refer to the reply given to Unstarred Question No. 1565 on the 26th August, 1960 and state:

(a) whether the scheme to establish a modern bus and truck terminal in Delhi has since been considered and finalised; and

(b) if so, the details thereof?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). The matter is still under consideration.

Booking Agency at Bhiwani

1985. Shri Ram Krishan Gupta: Will the Minister of **Railways** be pleased to refer to the reply given to Unstarred Question No. 1294 on the 23rd August, 1960 and state the nature of steps taken or proposed to be taken for opening a Booking Agency at Bhiwani?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): The contractor for the City Booking Agency at Bhiwani has been selected and necessary books, forms etc. have been supplied to him. He is arranging for the staff and premises for the City Booking Agency, which is expected to start functioning shortly.

Calcutta's Water Supply and Drainage Scheme

1986. Shri Ram Krishan Gupta: Will the Minister of **Health** be pleased to refer to the reply given to Unstarred

Question No. 522 on the 10th August, 1960 and state:

(a) whether financial implication for greater Calcutta's Water Supply and Drainage Scheme has been worked out;

(b) if so, the details thereof; and

(c) the steps taken or proposed to be taken to implement these schemes?

The Minister of Health (Shri Karmarkar): (a) Not yet, Sir.

(b) The question does not arise.

(c) Steps have been taken to make detailed surveys of different areas within Greater Calcutta, prepare maps and charts, and collect the required data. A draft Bill for the creation of the Calcutta Metropolitan Authority to tackle the Water Supply, Sewage and Drainage problems of Greater Calcutta has been prepared and is under examination of the Government of West Bengal.

Small Turbines for Electricity

1987. Shri Ram Krishan Gupta: Will the Minister of **Irrigation and Power** be pleased to refer to the reply given to Unstarred Question No. 738 on the 16th August, 1960 and state:

(a) whether Government have since examined the designs of small turbines to produce small quantities of electricity; and

(b) if so, the result thereof?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The designs are still under examination.

(b) Does not arise.

Amendments to D.V.C. Act

1988. Shri Ram Krishan Gupta: Will the Minister of **Irrigation and Power** be pleased to refer to the reply given to Unstarred Question No. 2055 on the 5th September, 1960 and state:

(a) whether Government have since examined the draft amendments to the Damodar Valley Corporation Act; and

(b) if so, the result thereof?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The draft amendments are still under consideration in consultation with the participating Governments.

(b) Does not arise.

तार जांच आयोग

१९८९. श्री भक्त दर्शन :
श्री तंगामणि :

क्या **परिवहन तथा संचार** मंत्री १० अगस्त, १९६० के तारांकित प्रश्न-संख्या २७६ के संबंध में यह बताने की कृपा करेंगे कि तार जांच समिति द्वारा की गई सिफारिशों पर निर्णय लेने और उन्हें कार्यान्वित करने की दिशा में अब तक क्या प्रगति हुई है ?

परिवहन तथा संचार मंत्रालय में राज्य-मंत्री (श्री राज बहादुर) : डाक-तार बोर्ड ने बहुत सी सिफारिशों पर निर्णय कर लिए हैं। शेष सिफारिशें डाक-तार बोर्ड के विचाराधीन हैं। कुछ मामलों में उक्त निर्णयों को कार्यान्वित करने के आदेश जारी किए गए जा चुके हैं और शेष मामलों में आदेश जारी किए जाने वाले हैं। समिति की महत्वपूर्ण सिफारिशों तथा डाक-तार बोर्ड द्वारा उन पर किये गए निर्णय अथवा तत्सम्बन्धी कारंवाई का विवरण सभा-पटल पर रखा जाता है । [देखिए परिशिष्ट ३, अनुबंध संख्या ७०]।

आयुर्वेदिक के प्राचीन हस्तलिखित ग्रंथ

१९९०. { श्री भक्त दर्शन :
श्री सरजू पाण्डेय :

क्या **स्वास्थ्य** मंत्री २६ अगस्त, १९६० के तारांकित प्रश्न संख्या ८०१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि आयुर्वेद के प्राचीन हस्तलिखित ग्रन्थों को प्राप्त कर के उन में खोज व अनुसन्धान करने के कार्य में अब तक क्या प्रगति हुई है ?

स्वास्थ्य मंत्री (श्री करमरकर) : केन्द्रीय आयुर्वेदिक अनुसंधान परिषद् ने ८ तथा ९ सितम्बर, १९६० को हुई अपनी बैठक में साहित्यिक अनुसंधान उप समिति की सिफारिशों पर विचार किया । प्रारम्भिक कार्यवाही के रूप में विभिन्न पुस्तकालयों आदि में उपलब्ध पाण्डुलिपियों एवं पुस्तकों की सूचियां एकत्र की जा रही हैं तथा उन का विश्लेषण किया जा रहा है ।

आर० एम० एस० पुनर्गठन समिति

१९९१. { श्री भक्त दर्शन :
श्री राम कृष्ण गुप्त :
श्री सरजू पाण्डेय :

क्या **परिवहन तथा संचार** मंत्री २६ अगस्त, १९६० के तारांकित प्रश्न-संख्या १५६४ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) आर० एम० एस० के पुनर्गठन से सम्बन्धित समिति की रिपोर्ट पर क्या इस बीच विचार कर लिया गया है ; और

(ख) यदि हां, तो क्या उस समिति की सिफारिशों व उन पर किये गये निर्णयों पर प्रकाश डालने वाला एक विवरण सभा-पटल पर रखा जायेगा ।

परिवहन तथा संचार मंत्रालय में राज्य-मंत्री (श्री राज बहादुर) : (क) जी हां ।

(ख) आर० एम० एस० समिति की मुख्य सिफारिशें तथा उन पर अब तक किये गये निर्णयों का विवरण सभा-पटल पर रखा जाता है । **[देखिए** परिशिष्ट ३, अनुबन्ध संख्या ७१**]** ।

National Highways

1992. { Shri S. C. Samanta:
Shri Subodh Hansda:

Will the Minister of **Transport and Communications** be pleased to state:

(a) how many missing bridges and road links on the National Highways system were contemplated to be completed during the Second Five Year Plan;

(b) how many have already been completed and how many are expected to be completed during the remaining period of the Second Five Year Plan;

(c) details of those which will not be completed during this Plan period

but will be taken up in the Third Five Year Plan; and

(d) the causes for delay?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Forty major bridges and 700 miles of road links on the National Highway system were contemplated to be completed during the Second Five Year Plan;

(b) Thirty two major bridges and 620 miles of road links have already been completed and five major bridges and 80 miles of missing links are expected to be completed during the remaining period of the plan.

(c) and (d). A statement giving the required information is laid on the Table. [*See* Appendix III, annexure No. 72.]

तार संबंधी सामान

१९९३. श्री पद्म देव : क्या **परिवहन तथा संचार** मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५७–५८, १९५८–५९, १९५९–६० में डाक और तार सम्बन्धी सामान के आयात पर कितना व्यय हुआ ; और

(ख) आयातित वस्तुओं को अपने देश में बनाने के लिये क्या प्रयत्न हो रहे हैं और इस दिशा में भारत कब तक आत्मनिर्भर होगा ?

परिवहन तथा संचार मंत्रालय में राज्य-मंत्री (श्री राज बहादुर) : (क)

	रु० न०पै०
१९५७–५८	१४२.४७
१९५८–५९	१४८.१४
१९५९–६०	१२४.२७

(ख) भारतीय टेलीफोन उद्योग, हिन्दुस्तान केबल लिमिटेड, भारत इलेक्ट्रोनिक्स आदि डाक-तार विभाग के कारखानों तथा प्राइवेट कारखानों में ऐसे सामान का यथासंभव उत्पादन करने के लिए कदम उठाए जा रहे हैं। आयात कब बन्द कर दिया जायेगा, इसके लिए इस समय कोई निश्चित तिथि नहीं दी जा सकती।

Electrification of Railways

1994. Shri Sadhan Gupta: Will the Minister of **Railways** be pleased to state:

(a) by what time will the electrification of (i) the Burdwan Asansol Section and (ii) the Asansol-Gaya-Mughalsarai section be completed;

(b) whether the electrification of either of these sections has fallen behind schedule;

(c) if so, which section; and

(d) the reasons therefor?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) to (d). A statement is laid on the Table. [*See* Appendix III, annexure No. 73].

National Highway No. 8

1995. Shri T. B. Vittal Rao: Will the Minister of **Transport and Communications** be pleased to state:

(a) whether there is any proposal to widen the National Highway No 8-Bombay-Delhi between Broach and Godhra in view of increase in the volume of traffic on this section;

(b) if so, when the work will be undertaken; and

(c) what is the estimated cost of the work?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Broach-Godhra road is not part of National Highway 8 and there is no proposal with the Government of India of widening it.

(b) and (c). Do not arise.

Pension-Cum-Gratuity Scheme

1996. **Shri T. B. Vittal Rao:**
Shri Indrajit Gupta:
Shrimati Renu Chakravartty:

Will the Minister of **Railways** be pleased to state:

(a) the total number of Railway Employees who have opted for pension-*cum*-gratuity scheme upto the end of September, 1960;

(b) whether there is any proposal to extend the time limit for exercising the option; and

(c) the number of Railway employees retired after exercising option in favour of the scheme since the commencement of scheme upto the end of September, 1960?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) 28,375

(b) The time-limit for exercising option has been extended upto 31st March, 1961.

(c) 6,254.

Second-Hand Ships

1997. **Shri N. R. Muniswamy:** Will the Minister of **Transport and Communications** be pleased to state the number of second-hand ships purchased with tonnage and price thereof from 1954 so far with the names of the countries from where purchased?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): The required information is being collected and will be laid on the Table of the Sabha, in due course.

Railway Electrification

1998. **Shri Achar:** Will the Minister of **Railways** be pleased to state:

(a) whether the Government of India have allocated specific sums of money for any of the States for Railway electrification schemes in those States; and

(b) if so, the names of the States and the amount allocated to each of those States?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) and (b). Railway Electrification schemes are planned Railway-wise and not State-wise. They are also executed by the Railway Administrations and the question of allocation of funds to the States for Railway Eelectrification schemes does not therefore arise.

Census of Traffic on the National Highway in Kerala.

1999. **Shri Warior:** Will the Minister of **Transport and Communications** be pleased to state:

(a) whether Government have taken a census of the traffic on the National Highway between Palghat and Cochin Port in Kerala State;

(b) if so, whether the existing type of the surface of the road is sufficient for the traffic it carries; and

(c) if the reply to part (a) above be in the negative whether Government have any programme to take that in the near future?

The Minister of State in the Ministry of Transport and Communications: (Shri Raj Bahadur): (a) Yes, Sir.

(b) The existing type of surface is not adequate to take the present traffic and the road is now being improved in sections requiring priority treatment.

(c) Does not arise.

Jute Production

2000. **Shri Aurobindo Ghosal:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Indian Jute Mills Association has taken any initiative in supplementing Government efforts to develop jute production; and

(b) if so, the details thereof?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). The

Indian Jute Mills Association have recently prepared a scheme for increasing the production of jute in India. Initially, they purpose to take up intensive demonstration in blocks of 100 to 200 acres in three selected zones of West Bengal where methods of increasing the yield and improving the quality of jute fibre will be demonstrated to the cultivators. They also propose to help in the distribution of fertilizers and take up the problem of getting facilities and supply of improved jute seeds.

Tungabhadra High Level Canal Scheme

2001. Shri Rami Reddy: Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether any phased programme has been set up by the Government of Mysore for the construction of the Tungabhadra High Level Canal Scheme; and

(b) if so, what are the details?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The reply is in the negative.

(b) Does not arise.

Rohtak Floods

2002. { **Shri Radha Raman:**
Shri Shree Narayan Das:
Shri Ram Krishan Gupta:

Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether attention of Government has been drawn to the complaint which the Chief Minister of Punjab has made against the Delhi Administration for latter's non-cooperation in executing plans designed to avert flood threat to Rohtak; and

(b) how the present position stands in the matter?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No such complaint has been received.

(b) Does not arise.

General Strike in Rajkot Division

2003. Shri M. B. Thakore: Will the Minister of **Railways** be pleased to state:

(a) the policy laid down by the Central Government to deal with peaceful strikers-railway employees during the last Strike period from 11th July, 1960 to 16th July, 1960;

(b) whether it is a fact that different standards have been adopted at Rajkot Division; and

(c) if so, the details thereof?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) The action taken was not to be more severe than the circumstances warranted. Employees who did not indulge in gross misbehaviour, intimidation or sabotage but merely absented themselves from work were to be allowed to return to duty. A copy of the orders which were issued by the Ministry of Railways (Railway Board) regarding treatment of the period of unauthorised absence is laid on the Table of the House. [*See* Appendix III, annexure No. 74.]

(b) No.

(c) Does not arise.

Shortage of Doctors in Hospitals

2004. { **Shri Rami Reddy:**
Shri Kodiyan:

Will the Minister of **Health** be pleased to state:

(a) whether an assessment of the requirements of the Doctors in the country has been made; and

(b) what steps are taken to meet the requirements of doctors in the country?

The Minister of Health (Shri Karmarkar): (a) No, but for the purposes of plan Schemes, the requirements of doctors in the country have been aimed at one doctor to 5,000 population with a progressive reduction of this ratio to 1:4000, 1:3000 and 1:2000 in the succeeding plan periods.

(b) A scheme for the establishment of new medical colleges and expansion of existing ones has been included in the Second Five Year Plan. At present there are 58 Medical Colleges in the country as against 25 in 1947.

Shipping of Wheat from U.S.A.

2005. Shri Koratkar: Will the Minister of **Transport and Communications** be pleased to state:

(a) whether in view of quicker deliveries of wheat offered by the US.A., Government of India have decided to bring new ships for the Indian Merchant Marine from a German shipbuilding Company out of the loan amount promised to be paid by the Government of Germany; and

(b) if so, whether the loan is earmarked for this purpose?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) No, Sir.

(b) Does not arise.

Master Plan for Madras

2006. **Shri Tangamani:** Will the Minister of **Health** be pleased to state:

(a) whether the Minister of Works, Housing and Supply in reply to address by the Madras Corporation in October, 1960 proposed a master plan for Madras;

(b) if so, what is the nature of help contemplated by the Central Government; and

(c) what are the other cities with such master plans?

The Minister of Health (Shri Karmarkar): (a) Yes.

(b) No specific request has been made to the Central Government in this regard.

(c) A statement is laid on the Table. [*See* Appendix III, annexure No. 75].

Electricity in Kerala

2007. **Shri M. K. Kumaran:**
Shri Maniyangadan:

Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the Government of India have received any representation from the Kerala Government regarding the shortage of electricity in the State; and

(b) whether the Government of India have any proposal before them to give top priority in starting fresh power schemes in Kerala?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No specific representation has been received. The Government of India is, however, aware of the power position in the State.

(b) The State Goverment was permitted to take up during 1960-61, preliminary works on the revised Pamba-Kakki Hydro-Electric Project, a scheme of the Third Five Year Plan.

Burial Ground in Delhi

2008. **Shri D. K. Gaikwad:** Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that the burial ground used by the Scheduled castes people of Savitri Nagar (Shaikh Sarai), New Delhi has been sold by Government to a private person for digging a tank; and

(b) whether it is a fact that the burnal grounds are respected and under no circumstances, are allowed to be used for any purpose other than the burial ground?

The Minister of Health (Shri Karmarkar): (a) No.

(b) No reports regarding the misuse of burial grounds have been received by Government.

Misdeclaration of Consignment

2009. Shri T. B. Vittal Rao: Will the Minister of **Railways** be pleased to state:

(a) whether a parcel containing 25 cases of highly concentrated alcohol bottles worth about Rs. 25,000 was booked as medicines from Secunderabad to Belampalli (Central Railway) on the 2nd October, 1960 and delivered at Belampalli on 4th October, 1960;

(b) whether the misdeclaration of the contents of the consignment was detected by the Station Staff when it was offered for rebooking to Nagpur by goods train on the same day;

(c) whether any prosecution has since been launched against the consigner and consignee; and

(d) if so, with what result?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes; on 28th September, 1960 and not on 2nd October, 1960. The cost of the consignment is not known.

(b) Yes.

(c) No.

(d) Does not arise.

सामुदायिक विकास कार्यक्रम के अन्तर्गत स्कूल

२०१०. **डा० राम सुभग सिंह** : क्या **सामुदायिक विकास और सहकार** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सही है कि पिछले वर्ष की तरह इस वर्ष भी "बाल दिवस" के अवसर पर देश के विभिन्न स्थानों के सामुदायिक विकास खंडों ने कुछ नये स्कूलों की भेंट की है ;

(ख) यदि हां, तो कितने ; और

(ग) इन स्कूलों के निर्माण कर कुल कितना व्यय हुआ ?

सामुदायिक विकास और सहकार उपमंत्री (श्री ब० सू० मूर्ति) : (क) जी हां ।

(ख) राज्यों।संघीय क्षेत्रों में अब तक प्राप्त जानकारी के अनुसार संख्या ४,७२५ है ।

(ग) जानकारी प्राप्त की जा रही है और सभा-पटल पर रख दी जायेगी ।

Block Development Officers

2011. Shri Aurobindo Ghosal: Will the Minister of **Community Development and Co-operation** be pleased to state:

(a) whether any States have failed to conform to the Central Government's policy of not entrusting the Block Development Officers with non-developmental functions; and

(b) if so, which are those States?

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): (a) and (b). Block Development Officers are generally not assigned any non-developmental functions in any State excepting Bihar where the Block Development Officers also perform Revenue functions. In Assam and West Bengal they are associated with Famine Relief Operations. In addition, the Block Development Officers in West Bengal, who are Ex-officio Circle Officers, perform certain administrative functions. In Uttar Pradesh, Assam and Maharashtra the Block Development Officers are also entrusted with census work. In Maharashtra, the Block Development Officers are also entrusted with election work for which the entire staff of the State Government is required to be engaged.

Dismissal of Railway Employees

2012. Shri Aurobindo Ghosal: Will the Minister of **Railways** be pleased to state the number of railwaymen whose services have been dispensed with since 1947 by application of the following measures:

(i) The Railway Service (Safeguarding of National Security) Rules of 1949; and

(ii) President's special powers

under Article 311(2) of the Constitution?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (i) 142.

(ii) 17.

National Water Supply and Sanitation Schemes

2013. Shri Jhulan Sinha: Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that a large amount of allotment of money for rural and urban water supply for drinking purposes during the First and Second Five Year Plans could not be utilised because of the condition imposed by the Planning Commission that only piped water has to be supplied and because of shortage of iron pipes in the country; and

(b) if so, whether there has been any improvement in the position owing to the working of the iron and steel factories since the last year or utilisation of cement pipes which may be made available for the purpose due to the market improvement in the position of cement production for some years?

The Minister of Health (Shri Karmarkar): (a) and (b). The condition imposed on the Rural Water Supply Schemes under the National Water Supply and Sanitation Programme that only piped water supply schemes be taken up and the shortage of cast iron pipes in the case of Urban Water Supply Schemes, did operate as a handicap, to some extent in the initial stages of the programme, but now the position has considerably improved. On the whole, the progress of Rural and Urban Water Supply Schemes under the National Water Supply and Sanitation Programme during the First and Second Five Year Plan has been satisfactory and the funds allotted for these schemes were substantially utilised.

School Buses

2014. Shri Subiman Ghose: Will the Minister of **Transport and Communications** be pleased to refer to the reply given by the Minister of Home Affairs to Starred Question No. 2111 on the 9th May, 1958 and state:

(a) the number of school buses in Delhi inspected during 1960 so far;

(b) how many of them have been found defective; and

(c) whether measures recommended by the traffic consultant of Central Road Research Institute have since been considered and accepted by the authorities?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) 246 (From 1st January, 1960 to 25th November, 1960).

(b) 176.

(c) Most of the recommendations made by the Traffic Consultant have been accepted by the Delhi Administration and their implementation is under their consideration. Some of these recommendations involve amendment of the Delhi Motor Vehicles Rules.

खाद्य उत्पादन अनुसंधान केन्द्र

२०१५. श्री भगवान दीन मिश्र : क्या **खाद्य तथा कृषि** मंत्री यह बताने की कृपा करेंगे कि :

(क) खाद्य उत्पादन संबंधी अनुसन्धानशालायें किस किस राज्य में काम करने लगी हैं और उन की संख्या कितनी है ;

(ख) क्या ऐसे भी राज्य अभी शेष हैं जिन में अब तक कोई अनुसन्धान शाला नहीं खोली गई है ;

(ग) क्या उत्तर प्रदेश में, जो बाढ़-पीड़ित क्षेत्र माना गया है, कोई अनुसन्धानशाला काम कर रही है ;

(घ) यदि हां, तो क्या कोई ऐसे खाद्य संबंधी बीज, धान, मक्का, आदि ढूंढ निकाले गये हैं जो बाड़ पीड़ित क्षेत्रों में बोए जा सकें ;

(ङ) यदि नहीं, तो उन क्षेत्रों के लिये क्या योजना बनाई गई है; और

(च) क्या सरकार ने उन क्षेत्रों में चोनी मिलें, खोलने या खुलवाने के लिये उन क्षेत्रों को कोई संकेत दिया है?

कृषि मंत्री (डा० पं० शा० देशमुख) : (क) समस्त राज्यों और केन्द्रीय शाति प्रदेशों में ५०० से अधिक कृषि अनुसन्धानशालायें कार्य कर रही हैं।

(ख) जी नहीं।

(ग) जी हां (१) बन्सदीह (जिला बलिया) और (२) गोप्राघाट (गोन्डा के पास)।

(घ) उत्तर प्रदेश के ऐसे क्षेत्र में अभी तक कोई सुधरा हुआ बीज विकसित नहीं कया गया है।

(ङ) परिषद् ने उत्तर प्रदेश के बन्सदीह में एक योजना पांच साल के लिए, बाढ़ें आने वाले क्षेत्रों के अनुकूल धान के विकास के लिए १–४–५७ से मंजूर की है।

(च) भारत सरकार ने उत्तर प्रदेश में बाढ़ें आने वाले क्षेत्रों में चीनी मिलों के आरम्भ करने के लिए उनको चालू करने या उनको सहायता देने का कोई निदेश नहीं दिया है।

Train Accident

2016. **Shri Subiman Ghose:** Will the Minister of **Railways** be pleased to state:

(a) whether there was an accident at a level crossing near Vikarabad Station, Central Railway on the 18th November, 1960 or nearabout that time;

(b) if so, the cause of the accident;

(c) the number of casualties;

(d) whether the said level crossing was manned; and

(e) if not, the reasons therefor?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes, on 17th November, 1960.

(b) The cause of the accident is under investigation.

(c) 36 were injured of whom, 3, grievously.

(d) No.

(e) As per classification based on traffic considerations, it was an unmanned level crossing.

Minor Ports in Andhra Pradesh

2017. **Shri M. V. Krishna Rao:** Will the Minister of **Transport and Communications** be pleased to state:

(a) whether it is a fact that the amount allotted for the development of minor ports in Andhra Pradesh during the Second Five Year Plan has not been spent and development works not undertaken;

(b) if so, the reasons therefor; and

(c) when the development works will be undertaken?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) to (c). A statement is laid on the Table. [*See* Appendix III, annexure No. 76].

Scheduled Caste P. & T. Employees

2018. **Shri B. K. Gaikwad:** Will the Minister of **Transport and Communications** be pleased to state:

(a) whether it is a fact that Government have ordered maintenance of a roster for confirmation of Scheduled Caste employees in the clerical and allied cadres in the Posts and Telegraphs;

(b) whether it is also a fact that such an order is not being maintained in the Punjab Circle of the Posts and Telegraphs, particularly Central Telegraph Office, New Delhi; and

(c) if so, the reasons for not maintaining such a roster?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) Yes.

(b) and (c). Rosters are being maintained in the Punjab Circle.

In the case of the New Delhi Central Telegraph Office no separate Roster is being maintained for the purpose of confirmation of Scheduled Caste and Scheduled Tribe employees. Suitable instructions in the matter have been issued to the authorities concerned.

M/s. P. C. Ray and Co.

2019. **Sardar A. S. Saigal:** Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Unstarred Question No. 2087 on the 5th September, 1960 and state:

(a) whether it is a fact that M/s. P. C. Ray & Co. Ltd., have a security desposit of Rs. 10 lakhs only with Government for the due fulfilment of their obligations under the Agreement of Lease of North Andaman Forests;

(b) what action Government propose to take to ensure against any probable loss to Government due to non-realisation of any portion of such heavy amounts of outstanding royalties against the lessee; and

(c) whether royalty has since been assessed on 6493 tons of timber mentioned in the previous answer and on losses of timber due to negligence of the lessee from 1st April, 1959?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes, Sir.

(b) The Company has been asked to pay the amounts which are due from them to Government. If they do not pay within a reasonable time, action will be taken against them in accordance with the provisions of the agreement for recovery of the amounts due. The security deposit can be forfeited in case the licensee fails to perform, fulfil and observe all or any of the stipulations or conditions of the agreement. If necessary, recourse will be had to legal action for effecting recovery.

(c) Yes, Sir. Bills for royalty on the timber lost due to negligence of the licensee from April, 1959, onwards are under issue.

Thermal Plant at Nellore (Andhra Pradesh)

2020. **Shri Osman Ali Khan:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether a contract has been signed by Government with Hitachi Works of Japan for a thermal plant to be erected at Nellore in Andhra Pradesh; and

(b) if so, the details thereof?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). No contract has so far been signed. Foreign Exchange to the extent of Rs. 134·29 lakhs has, however, been released to the Government of Andhra Pradesh for the import of a 30 MW plant with boilers and indoor switchgear etc. for the Nellore Thermal Station, from Japan, under Yen Credit.

Passenger Amenities

2021. **Shri Daljit Singh:** Will the Minister of **Railways** be pleased to refer to the reply given to Unstarred Question No. 2408 on the 8th September, 1960 and state:

(a) whether Government propose to provide any amenities to passengers and Railway staff on the Rupar-Nangal Dam section;

(b) if so, the details thereof; and

(c) if the reply to part (a) above be in the negative, the reasons therefor?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) to (c). Provision of amenities on the Rupar-Nangal Dam section will be considered after the State Government agree to bear their share of cost of the works in terms of the Agreement.

Central Board of Irrigation and Power

2022. **Shri Achar:**
Shri Tangamani:
Shri Ram Krishan Gupta:

Will the Minister of **Irrigation and Power** be pleased to state:

(a) the main recommendations of the 32nd Annual Session of the Central Board of Irrigation and Power held recently in New Delhi;

(b) whether Government have considered them; and

(c) if so, the decisions taken thereon?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The recommendations are presently under circulation to the Members of the Board for confirmation, and have not yet been submitted to the Central Government.

(b) and (c). Do not arise.

Vishnu Pratap Sugar Works Limited

2023. **Shri Kalika Singh:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the reasons for continuing the control under section 18A of the Industries (Development and Regulation) Act, 1951 over the Vishnu Pratap Sugar Works Limited, Khadda, District Deoria, Uttar Pradesh;

(b) whether Government propose to take similar action in respect of certain other sugar mills in Uttar Pradesh;

(c) if so, the names of such mills;

(d) whether the control of Government has effected improvements in the working of the Vishnu Pratap Sugar Works; and

(e) if so, in what way?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) The control over M|s. Vishnu Pratap Sugar Works Limited, Khadda was continued to avoid closure of the factory as the circumstances under which control had to be imposed *viz.*, the dispute amongst the shareholders, continued to exist.

(b) There is no such proposal under consideration at present. The question of exercising control under the Industries (Development and Regulation) Act has to be examined when the need arises with reference to the circumstances of the particular case.

(c) Does not arise.

(d) and (e). Yes; the production of sugar has gone up and the factory made a profit of Rs. 1.11, and 3.04 lakhs respectively in 1957-58, and 1958-59 after continued loss over several years. The profit during 1959-60 is expected to be more than that in 1958-59.

Baladila-Kotavasala Railway Line

2024. **Shri Chintamoni Panigrahi:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that a general manager's office with construction officers of the Railways has been opened for undertaking the construction work of the proposed Baladila-Kotavasala railway line;

(b) whether it is a fact that this office has been located at Waltair even though the Railway Minister promised to set up this organisation in Orissa; and

(c) if so, what is the reason for this change in location of the headquarters for this project?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes, Sir.

(b) and (c). The Construction Organisation has been headquartered at Waltair as this was considered to be the most suitable location for the purpose. No promise was given by the Railway Minister that the Organisation would be headquartered in Orissa.

Subsidised Hotel at Cuttack

2025. Shri Chintamoni Panigrahi: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that more than 80 students of the Railway employees applied for admission into the railway subsidised hotel at Cuttack in Orissa;

(b) whether it is also a fact that they have not been admitted so far; and

(c) whether site for construction of a separate building for this hotel has been acquired by now?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) No, Sir. There were 48 applications only.

(b) Only 11 applications could be accepted as 14 boarders of the previous year had to be retained, the capacity of the hostel being for 25 only.

(c) No, it is not proposed to construct a new building for the present, but increasing the accommodation in the existing hostel from 25 to 50 is under consideration.

Road between Jamnagar and Okha

2026. Shri K. U. Parmar: Will the Minister of **Transport and Communications** be pleased to state what steps Ministry is taking to link up Jamnagar and Okha by a good road?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): The road between Jamnagar and Okha is already metalled except in the section Khambalia to Okha-Mahdi. The work of surfacing and providing cross drainage works on the Khambalia-Okha Mahdi section is included in the Central Aid Programme for the construction and development of State Roads of inter-State or economic importance at an estimated cost of Rs. 20.75 lakhs. An estimate amounting to Rs. 7,81,400 for surfacing the section was sanctioned in January, 1958. The work is in progress. For other works on this section the State Government will now sanction estimates themselves.

Post-Graduate Medical Education Centre at Hyderabad

2027. Shri Ram Krishan Gupta: Will the Minister of **Health** be pleased to state:

(a) whether Government have considered the request of Andhra Pradesh Government for the establishment of a post-graduate medical education centre at Hyderabad for training specialists on an All-India basis in the Third Plan period; and

(b) If so, the action taken thereon?

The Minister of Health (Shri Karmarkar): (a) and (b). It is proposed that the request of the Government of Andhra Pradesh for the establishment of a post-graduate medical education centre at Hyderabad for training specialists on an All-India basis should be decided after the Third Five Year Plan has been finalised.

New Species of Jute Plant

2028. Shri Ram Krishan Gupta: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that the Indian Agricultural Research Institute in New Delhi has evolved a new species of jute plant; and

(b) if so, the yield potentiality of new species evolved?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) A new hybrid between two jute species cultivated in India has been evolved at the Indian Agricultural Research Institute, New Delhi.

(b) The yield potentiality of the new hybrid jute strain would be assessed in the regular jute growing tracts.

State Transport Commissioners

2029. Shri Ram Krishan Gupta: Will the Minister of **Transport and Communications** be pleased to state:

(a) whether Government have examined the recommendation of the conference of the State Transport Commissioners held recently in Bombay regarding setting up State Transport Finance Corporation or similar agencies; and

(b) if so, the nature of action taken in this regard?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b) The conference of State Transport Commissioners|Controllers recommended that a scheme for setting up Transport Finance Corporations or similar agencies should be prepared by the Government of India and circulated to the State Governments for comments. Action to draw up the scheme is being taken, but its finalisation will take some time.

Bridges in Maharashtra

2030. Shri Pangarkar: Will the Minister of **Transport and Communications** be pleased to state:

(a) whether the Government of Maharashtra have sent any plan and estimate for the construction of two bridges on river Khaida and Hivara in Parbhani District; and

(b) if so, whether the plan estimate have been approved by now?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). The position with regard to the proposed bridges over the rivers Khaida and Hivara is briefly indicated below:

(i) *Bridge over Khaida*.—The estimate and plans for the bridge were approved by the Government of India on the 11th April, 1960 at an estimated cost of Rs. 3,91,800. A grant of Rs. 1 lakh has been sanctioned for this bridge from the Central Road Fund (Ordinary) Reserve, the balance of Rs. 2,91,800 being met from the State funds.

(ii) *Bridge over Hivara*.—This bridge was approved for being financed from the allocations to Maharashtra from the Central Road Fund on the 29th August, 1960 at an estimated cost of Rs. 3,66,448. The estimate and plan for this bridge do not require the approval of the Government of India and will be sanctioned by the Government of Maharashtra themselves under their own procedure.

रेलवे अधिकारियों के सेवाकाल में वृद्धि

२०३१ { **श्री पन्नालाल बारूपाल :**
श्री लच्छी राम :

क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) १ जनवरी, १९५८ से अब तक रेलवे बोर्ड में कितने उच्च अधिकारियों को सेवा समाप्त होने पर उनका सेवाकाल बढ़ाया गया और प्रत्येक अधिकारी का सेवाकाल कितना बढ़ाया गया ;

(ख) ऐसे अधिकारियों का, जो योग्य और स्वस्थ हैं, सेवाकाल न बढ़ाने के क्या कारण हैं ; और

(ग) उक्त अवधि में कितने उच्च अधिकारियों को उनकी सेवा समाप्त होने पर पुन: नियुक्त किया गया ?

रेलवे उपमंत्री (श्री सें० वें० रामस्वामी): (क) और (ग). बयान पटल पर रखा जाता है। [**देखिए** परिशिष्ट ३, अनुबन्ध संख्या ७७]

(ख) साधारण रूप से सेवाकाल बढ़ाया नहीं जाता, लेकिन सरकारी हित को देखते हुए खास मामलों में ऐसा कर दिया जाता है।

Recruitment of S.C. and S.T. on S. Railway

2032. Shri Tangamani: Will the Minister of **Railways** be pleased to state:

(a) whether Scheduled Caste and Scheduled Tribes candidates to the proportion accepted have not been appointed in the Southern Railway;

(b) if so, the steps taken to rectify it; and

(c) how many were appointed during 1959-60 and 1960-61 so far?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Except in a few categories where technical qualifications are necessary, Scheduled Castes and Scheduled Tribes candidates have been appointed on the Southern Railway to the full extent of posts reserved for them.

(b) When sufficient number of candidates are not received through the Railway Service Commission, special recruitment is made under the powers vested in the General Manager.

(c)

	Scheduled Castes	*Scheduled Tribes*
1959-60	636	33
1960-61 so far	240	5

Central Road Fund

2033. Shri Tangamani: Will the Minister of **Transport and Communications** be pleased to state:

(a) whether it is a fact that Rs. 677 lakhs have been provided for expenditure in the States from the Central Road Fund during the year 1960-61;

(b) if so, the amount allotted to each of the States and the amount spent during April-November, 1960;

(c) whether the amount allotted to any State has already been exceeded; and

(d) if so, whether money will be diverted from allocations to other States?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes, Sir.

(b) A statement giving the requisite information is laid on the Table. [*See* Appendix III, annexure No. 78].

(c) No, Sir.

(d) Does not arise.

Telegraph and Telephone Communications on Imphal-Dimapur Road

2034. Shrimati Mafida Ahmed: Will the Minister of **Transport and Communications** be pleased to state:

(a) whether it is a fact that Naga hostiles cut off telegraph and telephone lines on the Maram-Dimapur Section of the Imphal-Dimapur Road during October, 1960;

(b) if so, how long the communications were disrupted; and

(c) whether normal functioning prevails at present?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) Yes.

(b) 167 hrs.

(c) Yes.

Plant Protection

2035. Shri Maniyangadan: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that Messrs Combata Aviations of Bombay had offered to the Government of India their aircraft free of cost for spraying insecticides on locusts;

(b) whether the offer was accepted by Government; and

(c) if not, what are the reasons for the refusal?

The Minister of Agriculture (Dr. P. S. Deshmukh) (a) No, Sir.

(b) and (c). The question does not arise.

Pay Scales in the Iari Staff

2036. Shri Ramji Verma: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the scales of pay and allowances admissible to the Junior and the Senior Research Assistants at the

Indian Agriculture Research Institute, New Delhi, under the Revised Pay Rules of 1960;

(b) whether the new scales of pay have been promulgated; and

(c) if not, the reasons for the delay and how much time Government will take to do so?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) There are only posts of Research Assistants in the scales of Rs. 160—10—330 and Rs. 250—10—300—15—450—25/2—500 15 per cent. Research Assistants in the former scale are also appointed to a selection grade of that cadre for which a scale of Rs. 250—10—300—15—450—25/2—500 has been sanctioned. The following scales have been prescribed for the above scales under the Revised Pay Rules 1960.

Existing Scale.—Rs. 160—10—330.

Scale prescribed under Revised Pay Rules 1960.—Rs. 210—10—290—15—320—E.B.—15—425.

Existing Scale.—Rs. 250—10—300—15—450—25/2—500.

Scale prescribed under Revised Pay Rules 1960.—Rs. 325—15—475—E. B.—20—575.

The question of revising the relevant entries in sub-section 7 of Section 11 of the Schedule of Central Civil Services (Revised Pay Rules 1960) is being taken up.

(b) Yes.

(c) Does not arise.

रेल दुर्घटना

२०३७. श्री अमर सिह डामर : क्या **रेलवे** मंत्री यह बताने की कृपा करेंगे कि :

(क) तारीख २९–३० नवम्बर की मध्य रात्रि में पश्चिम रेलवे के गोधरा तथा दोहद स्टेशनों के बीच जो यात्री गाड़ी तथा माल गाड़ी की दुर्घटना हुई थी, उस में अनुमानत: कितना नुक्सान हुआ;

(ख) उक्त दुर्घटना के फलस्वरूप यात्री गाड़ियों को कितना विलम्ब हुआ ;

(ग) उक्त दुर्घटना के लिये कोन व्यक्ति उत्तरदायी है ; और

(घ) उक्त दुर्घटना के लिए उत्तरदायी व्यक्तियों के खिलाफ क्या कार्यवाही की गई है ?

रेलवे उपमंत्री (श्री सें० वें० रामस्वामी): (क) २९–११–६० को गिट्टी-गाड़ी (ballash train) के तीन माल-डिब्बे और एक ब्रेकयान पटरी से उतर जाने के कारण लगभग २९०० रु० लागत की रेल सम्पत्ति का नुक्सान हुआ।

(ख) दोनों ओर चार सवारी गाड़ियां रुकी रहीं, जिनके रुकने का समय एक घण्टे से लेकर लगभग छ: घंटे के बीच था। ये गाड़ियां कुल मिलाकर पच्चीस घण्टे रुकी रहीं।

(ग) और (घ) दुर्घटना के कारण का पता लगाने के लिए जो सयुक्त जांच हुई है, उस पर रेल प्रशासन की रिपोर्ट तैयार हो जाने के बाद आवश्यक कारंवाई की जायेगी।

Automatic Telephones for Bhopal

2038. Shri Birendra Bahadur Singhji: Will the Minister of **Transport and Communications** be pleased to state:

(a) by which time Bhopal, the Capital of Madhya Pradesh, will have automatic telephones; and

(b) the steps taken in this direction?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) Early in 1963.

(b) Site has been acquired and detailed plans for the buildings are under preparation. The construction of the building is likely to be started shortly.

State Trading in Foodgrains in Punjab

2039. Shri Ram Krishan Gupta: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether his attention has been drawn to the recent press interview of the Punjab State Food Minister in which he justified the policy of State Trading and explained the difficulties involved in abandoning it and further said that barring individual discussions State Government had received no communication so far from the Union Food Ministry regarding State Trading;

(b) if so, the reaction of the Central Government; and

(c) the steps taken or proposed to be taken to persuade the Punjab Government to abandon State Trading specially in wheat and sugar?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) to (c). The matter was further discussed recently with the Food Minister of Punjab. There is no difference of opinion now between the Central Government and the State Government. The procurement of wheat has already been suspended by the Punjab Government. If after the next harvest prices of wheat tended to sag unduly low, suitable measures will be taken to safeguard the interests of the cultivators.

So far as sugar is concerned, strictly speaking, there is no state trading in sugar but only controlled distribution through licensed wholesalers, co-operative societies and approved retailers. For the present, controlled distribution is considered necessary by the Punjab Government.

Price of Rice in Tripura

2040. Shri Dasaratha Deb: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the present price of rice and paddy ruling in the market of Jolaibari in Belonia and Kalyanpur in Khowai division in Tripura;

(b) whether the price is uneconomic for the growers;

(c) whether inadequate purchase of rice and paddy by Government at fixed minimum price is partly responsible for fall in price of rice and paddy; and

(d) if so, the steps taken to guarantee economic price to the growers of paddy?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) The price of rice at Jolaibari on 9th December was Rs. 15.00 per maund and at Kalyanpur on 3rd December, 1960, was Rs. 12 to Rs. 13 per maund. The prices of paddy were ranging at levels corresponding to the prices of rice.

(b) and (c). No, Sir.

(d) Does not arise.

Land Acquisition in Delhi

2041. **Shri Damar:**
Shri B. D. Misra:
Shri S. N. Ramaul:

Will the Minister of **Health** be pleased to state:

(a) how much land Government has acquired and developed so far out of 3097.24 acres proposed to be acquired vide notification No. F. 15(84)/57-LSG dated the 3rd September, 1957 issued by the Chief Commissioner, Delhi;

(b) how much out of this land was utilised for the Government housing scheme and how much for sale to the public in plots for house building purposes;

(c) what is the market value of the land in question and the price of plots per square yard in the colonies round about Delhi, at present; and

(d) the total amount of compensation the Government have paid or will have to pay for this land?

The Minister of Health (Shri Karmarkar): (a) to (d). The information is being collected and will be laid on the Table of the Sabha.

Delhi Development Authority

2042. { **Shri Naraindin:**
Sardar A. S. Saigal:

Will the Minister of **Health** be pleased to state:

(a) the names of the members of the Delhi Development Authority constituted under Section 3 of the Delhi Development Act, No. 61 of 1957;

(b) the names of the members of the Advisory Council constituted under Section 5 of the aforesaid Act; and

(c) how far the advice given by the said Advisory Council was utilised by the authority in the matter of preparation of the Master Plan, the Zonal Development Plans and generally on the planning of Development of Delhi?

The Minister of Health (Shri Karmarkar): (a) and (b). Two lists are placed on the Table of the Sabha. [*See* Appendix III, annexure No. 79].

(c) The advice given by the Advisory Council was given due consideration by the Authority while preparing the draft Master Plan for Delhi. The advice of the Advisory Council is also being taken into account by the Authority in the preparation of zonal development plans which are now in hand. The Delhi Development Authority is also keeping in view generally the advice tendered by the Advisory Council regarding the planning of development of Delhi.

Shipping Fares

2043. Shri Kunhan: Will the Minister of **Transport and Communications** be pleased to state:

(a) whether it is a fact that the Eastern Shipping Corporation and M/s Binny & Co. Madras have increased the fare for all tickets from October, 1960;

(b) if so, the rate of increase in fare; and

(c) whether Government have received any protest against this increase by these firms?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) The question presumably refers to the Madras/Singapore passenger-cum-cargo service operated jointly by the Eastern Shipping Corporation and the B.I.S.N.Co. whose Madras Agents are M/s. Binny & Co. If so, it is a fact that the passenger fares were increased on this route from October, 1960.

(b) The fare was increased by 10 per cent. in both directions with a rebate of 10 per cent. on return tickets for saloon class.

(c) No protest has so far been received by the Government against the increase.

Accident to Oil Tanker near Bombay

2044. Shri Kunhan: Will the Minister of **Transport and Communications** be pleased to state:

(a) whether it is a fact that a turbine tanker "World Concord" carrying a cargo of about 30,000 tons of crude oil ran aground on 18th November, 1960 at the entrance of the Bombay harbour of the Prongs Reef; and

(b) if so, the details thereof?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes.

(b) S.T. "World Concord" is a single screw steam tanker of 20215 tons gross and 12731 net registered tons. The vessel is owned by World Concord Corporation of Manrovia (Liberia) and is registered in Manrovia. The vessel sailed from Bandar Mashur (Persian Gulf) for Bombay at 1230 hours G.M.T. on 13th November, 1960 laden with a cargo of 31402 tons of crude oil. The vessel arrived in Bombay on 18th November, 1960. It is reported that the vessel ran aground off Prongs Reef at 1150 hours on 18th November 1960. She was refloated at 2352 hours the same day with the assistance of four Bombay Port Trust Tugs. The vessel then discharged the entire cargo of crude oil and left Bombay for Persian Gulf on 25th November 1960.

The cause of the accident is not known and can be ascertained only after the preliminary inquiry, which is now being conducted by the Mercantile Marine Department, Bombay, has been completed.

Fire in A.C.D. Block in Himachal Pradesh

2045. { **Shri S. N. Ramaul:**
Shri J. B. S. Bist:

Will the Minister of **Community Development and Cooperation** be pleased to state:

(a) whether it is a fact that stores belonging to the block at village Shilai, Distt. Sirmur, Himachal Pradesh caught fire on the 8th November, 1960;

(b) whether it is also a fact that an enquiry into the incident has been instituted through a Magistrate;

(c) if so, what has been reported extent of loss to stores or other Government property; and

(d) whether it is also a fact that the Block Development Officer incharge has reported a loss of Rs. 10,000 Government cash due to fire?

The Deputy Minister of Community Development and Cooperation (Shri B. S. Murthy): (a) and (b). The reply is in the affirmative.

(c) and (d). Details of loss to Government, reported due to the fire are:—

(i) cash Rs. 10,097.09 N.P.

(ii) 2180 yards of cloth.

(iii) One hand driven 16 m.m. projector.

(vi) Bitumen carpet about

(v) Camera films (still) 3 Nos.

(vi) Bitumen carpet about 10'x6'.

Payment of Arrears

2046. Shri B. K. Gaikwad: Will the Minister of **Transport and Communications** be pleased to state:

(a) whether Government issued instructions for expeditious refixation of salaries on the basis of recommendations of the Second Pay Commission and payment of the arrears accrued therefrom to the P. & T. employees as early as August 1960;

(b) whether it is a fact that in the New Delhi Central Telegraph Office, the arrears to all the Telegraph Employees have not been paid so far;

(c) if so, the reasons for the inordinate delay in effecting payment of arrears; and

(d) the steps that Government have taken or propose to take in the matter?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) Yes.

(b) Yes. Out of the total strength of 1353, 361 have been paid arrears.

(c) Calculation of average pay in case of temporary staff taking leave is an involved process. Staff in Telegraph Offices generally avail of earned leave frequently. Further, cases of 292 Task Work Messengers are pending as the incentive scheme associated with the revised pay scales for them is under examination.

(d) Additional staff has been posted to expedite the work.

Electricity in Punjab

2047. Shri Hem Raj: Will the Minister of **Irrigation and Power** be pleased to state:

(a) the kilowatts of electricity generated so far in Punjab;

(b) the kilowatts which are taken for Delhi, Rajasthan, Jammu and Kashmir and Himachal Pradesh;

(c) the total requirements of Punjab by the end of the Second Five Year Plan;

(d) the kilowatts by which it will be short; and

(e) how this is going to be met?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) 1,50,000-KW up to the end of November, 1960.

(b)	Delhi	20.000 KW
	Rajasthan	12,000 KW
	Jammu & Kashmir	6,000 KW
	Himachal Pradesh	4,000 KW.

(c) 354,000KW according to the Load Survey made by the Central Water and Power Commission.

(d) 164,000 KW.

(e) The shortage, and the power demands arising during the Third Plan period, would be met by the Bhakra-Nangal Left Bank Power House, and the under-mentioned Projects which are under consideration for inclusion in the Third Plan:

(1) Bhakra-Nangal Right Bank Power House;

(2) Uhl River Extensions;

(3) Power generation on the Upper Bari Doab Canal; and

(4) Thermal Station.

12·07 hrs.

PAPERS LAID ON THE TABLE

AMENDMENT TO DELHI MOTOR VEHICLES RULES

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): I beg to lay on the Table a copy of Notification No. F. 12/54/60-Transport, published in Delhi Gazette dated the 3rd November, 1960, under sub-section (3) of section 133 of the Motor Vehicles Act, 1939, making certain amendment to the Delhi Motor Vehicles Rules, 1940. [*Placed in Library, See* No. LT-2545/60.]

AUDITED ACCOUNTS OF AIR-INDIA INTERNATIONAL

The Deputy Minister of Civil Aviation (Shri Ahmed Mohiuddin): I beg to lay on the Table a copy of the Annual Accounts of the Air-India International Corporation for the year 1957-58 and the Audit Report thereon, under sub-section (4) of Section 15 of the Air Corporations Act, 1953. [*Placed in Library, See* No. LT-2546/60.]

12·08 hrs.

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following messages received from the Secretary of Rajya Sabha:—

(i) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 14th December, 1960, agreed without any amendment to the Companies (Amendment) Bill, 1960, which was passed by the Lok Sabha at its sitting held on the 1st December, 1960."

(ii) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in

[Secretary]

the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 15th December, 1960, agreed without any amendment to the Motor Vehicles (Second Amendment) Bill, 1960, which was passed by the Lok Sabha at its sitting held on the 14th November, 1960."

(iii) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (No. 5) Bill, 1960, which was passed by the Lok Sabha at its sitting held on the 9th December, 1960, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(iv) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Railway Passenger Fares (Amendment) Bill, 1960, which was passed by the Lok Sabha at its sitting held on the 12th December, 1960, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(v) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Indian Post Office (Amendment) Bill, 1960, which was passed by the Lok Sabha at its sitting held on the 8th December, 1960, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(vi) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Tripura Excise Law (Repeal) Bill, 1960, which was passed by the Lok Sabha at its sitting held on the 12th December, 1960, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(vii) "In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Salar Jung Museum Bill, 1960, which has been passed by the Rajya Sabha at its sitting held on the 15th December. 1960."

12· 09½ hrs.

SALAR JUNG MUSEUM BILL

AS PASSED BY RAJYA SABHA

Secretary: Sir, I lay on the Table of the House the Salar Jung Museum Bill, 1960, as passed by Rajya Sabha.

12:9¾ hrs.

INDUSTRIAL FINANCE CORPORATION (AMENDMENT) BILL*

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): Sir I beg to move for leave to introduce a Bill further to amend the Industrial Finance Corporation Act, 1948.

Mr. Speaker: The question is:

> "That leave be granted to introduce a Bill further to amend the Industrial Finance Corporation Act, 1948."

The motion was adopted.

Shrimati Tarkeshwari Sinha: Sir, I introduce† of the Bill.

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*Published in the Gazette of India Extraordinary, Part II—Section 2, dated 19-12-1960.

†Introduced with the recommendation of the president.

12.10¼ hrs.

TELEGRAPH LAWS (AMENDMENT) BILL*

The Minister of Transport and Communications (Dr. P. Subbarayan): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Telegraph Act, 1885 and the Wireless Telegraphy Act, 1933.

Mr. Speaker: The question is:

> "That leave be granted to introduce a Bill further to amend the Indian Telegraph Act, 1885 and the Wireless Telegraphy Act, 1933."

The motion was adopted.

Dr. P. Subbarayan: Sir, I introduce the Bill.

12.10¾ hrs.

BUSINESS ADVISORY COMMITTEE

Sixtieth Report

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, I beg to move:

> "That this House agrees with the Sixtieth Report of the Business Advisory Committee presented to the House on the 16th December, 1960."

Mr. Speaker: The question is:

> "That this House agrees with the Sixtieth Report of the Business Advisory Committee presented to the House on the 16th December, 1960."

The motion was adopted.

12.11 hrs.

LEAVE OF ABSENCE

Mr. Speaker: The Committee on Absence of Members from the Sittings of the House in their Twenty-second Report have recommended that leave of absence may be granted to the following members for the periods as indicated against each:

(1) Shri Liasram Achaw Singh	1st August to 9th September, 1960 (Eleventh Session and 14th November to 2nd December, 1960 (Twelfth Session)
(2) Shri Chandikeshwar Sharan Singh Ju Deo.	1st August to 17th August, 1960 (Eleventh Session)
(3) Shri B. Pocker	22nd August to 9th September, 1960 (Eleventh Session) and 25th November, to 23rd December, 1960 (Twelfth Session)
(4) Shri Balasaheb Salunke	1st August to 22nd August, 1960 (Eleventh Session) and 14th November to 23rd December, 1960 (Twelfth Session)
(4) Shri Fatehsinhrao Pratapsinhrao Gaekwad.	16th August to 9th September, 1960 (Eleventh Session).
(6) Shri Kamal Narain Singh	1st August to 20th August, 1960 (Eleventh Session).
(7) Shri K. Ashanna	17th August to 9th September, 1960 (Eleventh Session).
(8) Sardar Baldev Singh	1st August to 9th September, 1960 (Eleventh Session).
(9) Shri Rungsung Suisa	23rd August to 9th September, 1960 (Eleventh Session).

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*Published in the Gazette of India Extraordinary, Part II—Section 2, dated 19-12-60.

[Mr. Speaker]

(10) Shri S. Easwara Iyer	1st August to 9th September, 1960 (Eleventh Session).
(11) Shri R. Narappa Reddy	1st August to 9th September, 1960 (Eleventh Session)
(12) Shri Dinesh Singh	14th November to 23rd December, 1960 (Twelfth Session)
(13) Shri Nemi Chandra Kasliwal	14th November to 23rd December, 1960 (Twelfth Session).
(14) Shri A. Doraiswami Gounder	14th November to 15th December, 1960 (Twelfth Session).
(15) Shri Uma Charan Patnaik	14th November to 23rd December, 1960 (Twelfth Session).
(16) Shri U. Muthuramalinga Thevar	14th November to 23rd December, 1960 (Twelfth Session).
(17) Shri Etikala Madhusudan Rao	14th November to 23rd December, 1960 (Twelfth Session).
(18) Shri R. Kanakasabai	14th November to 23rd December, 1960 (Twelfth Session).
(19) Shrimati Renuka Ray	14th November to 30th November, 1960 (Twelfth Session).
(20) Pandit Hiralal Shastri	14th November to 12th December, 1960 (Twelfth Session).
(21) Shri J. Rameshwar Rao	16th November to 23rd December, 1960 (Twelfth Session).
(22) Shri Narasingha Malla Deb	14th November to 12th December, 1960 (Twelfth Session).
(23) Rani Manjula Devi	14th November to 7th December, 1960 (Twelfth Session).
(24) Shri S. C. Choudhury	14th November to 23rd December, 1960 (Twelfth Session).
(25) Shri C. D. Pande	14th November to 8th December, 1960 (Twelhfth Session).
(26) Shri R. M. Hajarnavis	14th November to 23rd December, 1960 (Twelfth Session).
(27) Shri Laxmi Narayan Bhanja Deo	14th November to 23rd December, 1960 (Twelfth Session).
(28) Pandit Thakur Das Bhargava	22nd November to 23rd December, 1960 (Twelfth Session).
(29) His Highness Maharajadhiraj Maharawalji Shri Raghunath Singhji Bahadur	14th Novomber to 23rd Decmeber, 1960 (Twelfth Session)

I take it that the House agrees with the recommendations of the Committee.

Some Hon. Members: Yes.

Mr. Speaker: The members will be informed accordingly.

12-12 hrs.

CORRECTION IN RESULT OF DIVISION

Mr. Speaker: I have to inform the House that there was an error in the announcement of the result of the division held on the 16th December, 1960 on the motion for leave to introduce the Constitution (Ninth Amendment) Bill, 1960. The House has already taken a decision and this error has absolutely no effect on it. However, I consider that the correct position should be on record.

On a check-up of the photograph and the proceedings it now transpires that the correct result should be 'Ayes' 170 and not 169 as announced on the 16th December, 1960.

12.13 hrs.

ACQUIRED TERRITORIES (MERGER) BILL AND CONSTITUTION (NINTH AMENDMENT) BILL

Mr. Speaker: The House will now take up the next item on the Agenda. The hon. Prime Minister.

Shri A. C. Guha (Barasat): Sir, may I submit that if the two Bills—the Acquired Territories (Merger) Bill and the Constitution (Ninth Amendment) Bill—are taken together at least in the first reading stages, I think that will facilitate discussion in this House.

Mr. Speaker: Very well, I belive the House has no objejction if to facilitate discussion both these Bills are moved together for consideration. There may be a common discussion for both in the general discussion stage, but in the clause-by-clause consideration stage I will take them up separately and put them separately to the vote of the House. They require different majority of votes also. Therefore, is the House agreeable to the proposal that the general discussion will be common to both the Bill?

Several Hon. Members: Yes.

Shri Naushir Bharucha (East Khandesh): May I point out, Sir, that there might be technical difficulties. From the constitutional point of view, Sir, the Parliament may not be competent to discuss the Bill for assimilating any territories unless the Constitution itself is amended. What I suggest is, you should give enough latitude to Members who want to speak on both the Bills, but when you come to technical aspects you should take the Constitution (Ninth Amendment) Bill first and then take the other Bill. I suggest that some latitude may be given in the matter of general discussion so that automatically the general discussion on the Acquired Territories (Merger) Bill will be very much curtailed.

Shri A. C. Guha: The second Bill does not deal with any cession of territories, it only deals with merger of acquired territories. Acquisition of territories is allowed with the Constitution.

Mr. Speaker: An amendment of the Constitution is necessary only where you secede certain territories to Pakistan. So far as acquisition of territories is concerned no amendment of the Constitution is necessary. Here the Bill relates to merger of acquired territories. Therefore, there is absolutely no intrinsic difficulty at all. The only thing is, common agreement will be there in both; otherwise, one does not follow the other.

Shri Tyagi (Dehra Dun): Sir, I made one request on the last occasion also. It is becoming very difficult for Members of Parliament to understand exactly where the boundary line comes. Unless the Members individually and collectively are in a position to appreciate where the Radcliffe line passes, where our position was, what we are giving over etc., we will not be able to study the matter. I suggest that on the Table of the House or somewhere else a map or some such thing showing all these details should be placed so that we can make a proper study and then exercise our votes.

Mr. Speaker: Has the hon. Minister got a map for ready reference of hon. Members, showing the boundary line, the portion to be acquired, the portion to be seceded etc?

Shri Vajpayee (Balrampur): We have been told only about the strerngth of the territory that is being acquired now in the explanatory memorandum which has been circulated.

Mr. Speaker: That will be stated now.

Shri Vajpayee: What is the use of saying that unless we know the actual extent of territory that is being transferred now?

Mr. Speaker: He does not know unless it is said, but he will object to anybody saying that also; what can be done?

Shri Vajpayee: There is a map in regard to West Pakistan. May I know why there is no map in regard to East Pakistan.

Mr. Speaker: Order, order. He is going from one thing to another. Let us see. If hon. Members are not able to understand the matter without the aid of a map, I will then consider. In the meanwhile, if there are any maps they may be made available.

Shri Vajpayee: Why "if there are any maps"? There should be maps. We are discussing the boundaries of India. It is not a simple matter. The Government is going to amend the Constitution. The Government has got a responsibility to this House, and we have a responsibility to the people of the country. They must have prepared the maps. As Members of the House we are entitled to ask for maps.

Shri A. C. Guha: The boundaries have been demarcated by the Radcliffe Award. Copies of the Radcliffe Award are available in the library. Members also have got copies of the Radcliffe Award. Map will not help us much in these small stripes of territories.

Mr. Speaker: Order, order. I am not going to allow this sort of thing to go on (*Interruption*). What is the object of giving notice about a Bill? If this sort of thing is to go on, then I will dispense with the practice of giving notice of Bills. The object of giving notice of Bills is to enable hon. Members to clear their doubts, if they have any, by writing to the Minister concerned. They could have asked for the maps earlier. When it is about to be taken up in the House hurdles after hurdles are put. They could have asked for the maps yesterday or the day before. They could have written to the hon. Minister. I never stopped hon. Members from raising this point earlier. I, on the other hand, do not want them to vote blindfold in this House. Every hon. Member must understand a thing and then only exercise his vote. The hon. Prime Minister must have been under the impression that they will look into the relevant books and study the thing. How can one imagine that others do not know what they ought to know or what they can otherwise come to know. So there is no meaning in raising it now. I insisted that sufficient notice must be given so that hon. Members may bestir themselves and if they wanted any further information they may ask the mover of the Bill to give such other information as was necessary. But they waited till the last minute, till we were about to take it up. How can we go on with that now. If we go on like this, we will have to go on endlessly. Let me see how we progress.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Mr. Speaker, Sir, I entirely agree that it would be advantageous to the House to conisder these two Bills together. They cover the same set of circumstances. They had to be made into two Bill, as I ventured to point out a few days ago, because they are two separate things to be done, one in regard to acquisition and the other in regard to transfer of territories to Pakistan. The Supreme Court have indicated different ways of proceedings, and therefore we had to put up these two Bills. But I think it is completely right and desirable that the discussion should be a joint discussion on both so that hon. Members can refer to the whole transaction. But, of course, as you were pleased to say, when we come to voting or the clause-by-clause consideration we have to take them separately.

I am very sorry that there is any feeling in this House about lack of maps etc. There are, of course, maps; the difficulty is not the absence of maps but the abundance of them. Normally most of these areas are so small that the normal maps do not show them—sometimes they are just a few acres, sometimes a mile or two—unless we have made very large-scale maps of it. Of course, we have got them and there are so many of them, as I said. I shall endeavour in the course of the day to bring some maps here, but of course it will be difficult for hon. Members to see them while they are sitting in this House. But I shall supply such maps, to the Library or elsewhere, as I can.

These two Bills cover broadly, as I said, the same set of matters which arise out of the three Indo-Pakistan agreements. The agreement concluded on the 10th September, 1958 is the main agreement, the second one is dated 23rd October, 1959 and the third one is dated the 11th January of this year—1960. I think perhaps I had better formally move the motion before I proceed.

I beg to move*:

> "That the Bill to provide for the merger into the States of Assam, Punjab and West Bengal of certain territories acquired in pursuance of the agreements entered into between the Governments of India and Pakistan and for matters connected therewith, be taken into consideration."

Mr. Speaker: I shall place the motion before the House first, and then I will call upon the Prime Minister to make the next motion.

Shri Subiman Ghosh (Burdwan): I rise to a point of order. My point of order is this. This Bill is *ultra vires* of the Constitution. Why I say so is, because, in this Bill we are going to implement the Indo-Pakistan agreement. But, first of all, there was the Radcliffe Award on the basis of which India was divided and Pakistan was born out of it. Then there was some confusion, as we all know, and the Bagge tribunal was formed. Even then the Pakistan Government did not raise any dispute regarding Berubari. Thereafter, there was an agreement between the Prime Minister of India and the Prime Minister of Pakistan, and the dispute.

Mr. Speaker: What is the point of order?

Shri Subiman Ghose: I am developping the point of order. Please allow me a few minutes.

Mr. Speaker: I want to know what is the point of order, first.

Shri Subiman Ghose: The point of order is, this Bill is *ultra vires* of the Constitution.

Mr. Speaker: Why, and how?

Shri Subiman Ghose: I am coming to it. This dispute was settled between Pakistan and India once for all. In the year 1952 Pakistan was allowed to raise a dispute on the basis of the Radcliffe Award and so far as Berubari was concerned it should have been summarily rejected.

Mr. Speaker: Order, order. Let him answer me. The hon. Prime Minister has made the motion regarding the bill by which some territories are to be acquired. If there is nay point of order regarding the acquisition, what is then that point of order?

Shri Subiman Ghose: The point of order is regarding the agreement. This Bill is based on the agreement.

Mr. Speaker: We are not going into the agreement and we are not going to revive any agreement now—whether it is valid or invalid. We now want to acquire some territory which originally belonged to Pakistan. Is the hon. Member raising any point of order about the acquisition? There is no point of order. (*Interruptions*).

Shri Bimal Ghose (Barrockpore): There is also exchange of enclaves in

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*Moved with the recommendation of President.

[Shri Bimal Ghose]

respect of the acquisition. We find that.

Shri M. Khuda Bukhsh (Murshidabad): Acquisition in exchange of the property that lies in India.

Shri Bimal Ghosh: On page 7 of the Bill, you will find that item 10 refers to the exchange of enclaves between India and Pakistan so that that these arise out of the agreement. If we get some territory we also give some territory to Pakistan. So, the two things go together. So, it is not merely a question of our acquiring territories.

Shri Tridib Kumar Chaudhuri: (Berhampore): Apart from that, if you look to . . .

Mr. Speaker: Order, order. I am not going to allow any discussion about it. This matter of constitutional propriety is fixed. I may here and now state that no Speaker has taken the responsibility of disallowing or throwing out a Bill on a matter of constitutional issue. He allows arguments to be raised, but he leaves the matter to the House to decide one way or the other. This House, as a sovereign House, is competent, under the Constitution that we have enacted and given to ourselves, to change the boundaries, to acquire territories, to cede territories and so on. If there is any lacuna, of course, the House will consider it and it will also take the legal aspect into consideration and decide ultimately when it effects the vote. The hon. Prime Minister.

Shri Sadhan Gupta (Calcutta—East): It is a very unusual thing in respect of this Bill, because, all the time, it is true that we have not considered the question of *ultra vires*, and the courts may decide it afterwards. But, here, if we allow an invalid Bill to be passed into law, then the courts cannot give us any further remedy. The territory will go and we will have no other remedy about it. Therefore, in regard to this Bill at least you should first give your ruling whether it is not *ultra vires* or it is *ultra vires*. It is perfetly within your power to give a ruling that the Bill is *ultra vires* or not, and if it is *ultra vires*, the House should not take it up at all, because, if it is passed into a law, if the House passes into law something which is really *ultra vires* and which is within your province to decide, then there will be no remedy left open to the people who will be illegally handed oved to Pakistan. From that point of view, this point of order should be decided here and now finally.

Shri Subiman Ghosh: What I submit is, on the basis of the Bill, we are not taking into consideration the agreement dated 10th September, 1958. We are taking into consideration something else. It is not the agreement dated 10th September, 1958. I want to develop that point. In the Statement of Objects and Reasons and elsewhere it has been said that it is on the basis of the agreement dated 10th September, 1958 that we are going to give some territory, namely, Berubari, to Pakistan. After the decision of the Supreme Court, that is not the state of things. The Prime Minister of India discussed the matter with the Prime Minister of Pakistan on the basis of the Redcliffe Award, because there was a dispute arising from the award, and that dispute was allowed to be raised. But the Supreme Court said that absolutely there was no dispute about it, namely, Berubari. To all intents and purposes, it is a gift to Pakistan—the gift of Berubari. That was not the intention of the Prime Minister of India, when he discussed the matter—that he was going to make a gift of it to Pakistan. But then, if he did it, he exceeded his jurisdiction and he was not allowed to do that. He only discussed the dispute. He was not authorised to make a gift of it to Pakistan, which he did.

Mr. Speaker: I have heard the point of order. The point of order is simply this. The hon. Prime Minister and the Government were obviously under the impression that there was only an exchange of territories and therefore it did not require a constitutional amendment. The Supreme Court held that the question involved the ceding of Indian territory and now, for that purpose, to validate it, a constitutional amendment has been brought in. This House has the jurisdiction to give away our own territory. Of course, it was intended and thought that this was in exchange for some other territory and therefore it did not require any constitutional amendment. But the Supreme Court held otherwise. But that does not stand in the way of this House ceding some territory. It is up to this House—whether absolutely ceding a territory for some purpose and not in view of something else, or even to make a grant of it—to do it, and there is nothing preventing us from making a free grant of this property, to the others. Therefore, from the point of view of it being *ultra vires* or not, whether it is within jurisdiction or not, there is no question of jurisdiction. The House can take into consideration whether there is anything that we are getting or we are making a free gift of it. It is open to this House to vote one way or the other. There is no point of order so far as this matter is concerned. Ordinarily—(*Interruptions*).

Shri Subiman Ghose: I submit to your ruling but I want to . . .

Mr. Speaker: I have given my ruling. I do not want to hear any more about it. I cannot allow any more discussion on the matter. I have heard sufficiently. The simple point is, whether in exchange or otherwise, this House is competent to give away territory belonging to us. It is for the House to decide whether it ought to do it or ought not to do it. There is nothing more.

Normally, after the speech, the motion is put to the House. But I am trying for this particular purpose to place both these motions before the House, because one cannot in the middle of one motion start the other motion. Therefore, I will place both the motions before the House and allow the Prime Minister to speak on both the motions. Afterwards I will allow others. He has formally moved the first motion.

Motion moved:

> "That the Bill to provide for the merger into the States of Assam, Punjab and West Bengal of certain territories acquired in pursuance of the agreements entered into between the Governments of India and Pakistan and for matters connected therewith, be taken into consideration."

The hon. Prime Minister may move the other motion.

Shri Jawaharlal Nehru: I beg to move*:

> "That the Bill further to amend the Constitution of India to give effect to the transfer of certain territories to Pakistan in pursuance of the agreements entered into between the Governments of India and Pakistan, be taken into consideration."

Mr. Speaker: Motion moved:

> "That the Bill further to amend the Constitution of India to give effect to the transfer of certain territories to Pakistan in pursuance of the agreements entered into between the Governments of India and Pakistan, be taken into consideration."

Shri Subiman Ghose: I have another point of order on this Bill. This millitates against the very basic concept of the creation of a Welfare State.

Mr. Speaker: He says that this House has no right to amend the Constitution ceding certain territories to other countries? There is no point of oder.

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*Moved with the recommendation of President.

Shri Subiman Ghose: This Constitution cannot be amended in a fashion which will militate against the creation of a Welfare State which is our avowed object.

Mr. Speaker: I have heard the point of order.

Shri Subiman Ghose: Please allow me two minutes. If I read the joint communique, it will clear up the matter. In their joint communique dated the 12th September, 1958, it is said:

> "The Prime Minister agreed that when areas are exchanged on agreed dates, as a result of settlement and demarcation of these disputed areas an appeal should be be made to the people in the areas exchanged to continue staying in their present homes as nationals of the State to which the areas are transferred."

Therefore, our Prime Minister is saying that the Indian citizens should be Pakistan Nationals. Is it the Welfare State which is being contemplated. He wants that those citizens of India should become Pakistan Nationals.

Mr. Speaker: The hon. Member is merely arguing the fact. Propriety is one thing and legality is another. The only point so far as I am concerned is whether this House is competent. This House is competent. Whether it is proper or not, it is for the House to take into consideration and then vote for or against.

Shri Vajpayee: I have another point of order. This House has ben constituted under the Constitution, according to which no cession of territory is permitted. It is competent for the House and the Members to amend the Constitution, but that amendment should not be made unless the Members of this House have a fresh mendate from the people.

Mr. Speaker: I have heard the point of order . . .

Shri Vajpayee: You have not heard, Sir. It is open for us to amend the Constitution, but this House has been constituted under the Constitution according to which no cession of territory is possible. So, if there is to be an amendment of the Constitution which is of such a serious nature, this House must have a fresh popular mandate from the people.

Raja Mahendra Pratap (Mathura): My point of order is this. What are we talking about this small little territory? Bengal and Bengal will be one, Punjab and Punjab will be one and there will be no Pakistan. There will be Aryan Federation . . .

Mr. Speaker: Order, order. No hon. Member ought to stand while I am on my legs. If they want come into the House, they will have to sit in the last seat. For sometime I have been noticing that people feel as if it is a public meeting somewhere and they can come and go at any time. An amount of decorum and decency is necessary. When I am on my legs, no hon. Member shall stand. If he is anxious to come into the House, he has to sit in the end there. These are the rules. Persons from foreign countries are coming here and number of our own people are watching. This is rather wrong. I did not want to make a reference to it, but I find it more honoured in the breach than in the observance.

Shri Naushir Bharucha: By Ministers also.

Mr. Speaker: Whoever it might be.

So far as Shri Vajpayee's point of order is concerned, he says a mandate is necessary. It is true originally the Constitution did not contemplate cession of territory. But events have so occurred that the Government find it necessary to cede some territory in the interest of peace. It is for the House to accept it or not to accept it. No doubt serious matters have come in and some kind of change of policy also. But the Constitution has never contemplated a referendum to the people once again on everyone of these points and has trusted this House to carry on. Of course, in small countries there may be referendum to get a mandate. Whatever might be the justice for it or otherwise, I am not prepared to decide. But so far as our Constitution is concerned, it does not require a separate mandate in regard to this. It is quite in order.

Shri Jawaharlal Nehru: Mr. Speaker, Sir, this question contained in these two Bills which I have placed before the House has excited a great deal of concern and much feeling, specially in West Bengal. I can understand that and to some extent appreciate it even, but an unfortunate result has flowed from that, that this matter, which is important enough certainly, has been covered up by so many extraneous factors that the real position and the real issues are not to be seen clearly. That comes out even of some of the objections on legal grounds that have been raised from time to time and which have been dealt with by you or otherwise. I should like presently to place in a simpler form the issues, so that we may consider them as they are and not get entangled in extraneous considerations.

May I say that one fact which moves us, which must move everybody, is that these transfers of territory—acquisitions or transfers—involve the human element. That is really the basic thing which must move every person and all of us. It is unfortunate and we should try, we must try, to avoid anything that may affect or go against the will in such matters of a person who has been a citizen of India.

Before I proceed further with this matter, I should like to make it perfectly clear that if such persons choose to come to India, those persons who are affected by this, if they so desire and choose to come to India, certainly it is our responsibility to deal with them, to help them and to rehabilitate them. In what numbers they come I cannot at present calculate but there is no doubt about it. That is a factor, apart from law, apart from many other factors, which immediately appeals to our emotions, as it has appealed, quite naturally, to the emotions of many people in West Bengal. We can understand that. But, nevertheless, we cannot always be governed by our emotions, we have to take other factors into consideration and, ultimately, look to the larger good of the country. That is the only test.

Here may I say just a word, because some reference has been made, not in this House but elsewhere, to the prestige of the Prime Minister? Well, if a person is placed in the high position of a Prime Minister, and if he ventures to speak in the name of India, certainly some prestige attaches and should attach, not to him personally but rather to the position he occupies. But, it is not right and it would be wrong doctrine to lay down that the prestige of a Prime Minister, whoever he might be, should at any time override or precede the interests of the nation. That matter should be cleared up and if this House is going to consider this, it would consider it on merits, whether it is good for the nation, good for Bengal, good for the people of Bengal or not. That is the real test. Prime Ministers may come and go and they may make mistakes. But, at any time, if we, as Parliament or as a Government, were to do anything which affects the interests of India taken as a whole, surely that government has not been worthy of its responsibilities and the tasks allotted to it. That is quite clear.

So, let us consider this matter in that way and forget the Prime Minister, the personal aspect of the Prime Minister saying or doing anything. But we have to remember also that one cannot isolate something, a part of the picture, and try to judge it as a full one. In national matters, in international matters, in agreements one always has to see and try to understand the entire picture. What does an agreement represent at any time between two countries or between two

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groups or between anybody? It means there was a lack of agreement previously; it means that some matters are in dispute, which have led to consideration and they try to reach an agreement in the context of those matters. Now, an agreement also means a consideration of the advantages and disadvantages and, in the balance, when the advantages outweigh the disadvantages there is an agreement. If they do not, then there is no agreement.

The point I am venturing to put before the House is that one must examine the whole picture of this agreement or any other which we have. It is no good taking out something which we dislike and say "We dislike it". We also dislike it; everybody dislikes it, but we dislike much more something else. So, if you see the two things together then you get a correct and balanced picture.

These agreements of the various dates—there is one dated 10th September, which is the main agreement called Nehru—Noon Agreement; the one of 23rd October really flows from it in regard to certain matters; the one of this year, 11th January, related largely to some Punjab issues; what are these agreements about? These agreements deal with issues and disputes which have been a continuous headache to all of us ever since partition. An hon. Member said this was not there. That is not correct. These have been there and they have been raised sometimes, at one time or another, and for years and years we have been considering these as issues arising out of partition, as issues arising out of the interpretation of the partition and the Radcliffe's Award. The partition, good or bad, one has just to accept; so also, the Radcliffe's Award. After Radcliffe's Award came in, there came a dispute about the interpretation of the Radcliffe's Award. Unfortunately such things happen even in the best regulated countries and when there are able lawyers one interprets them this way and another that way, or politicians for the matter of that. So that, there is the partition which is basic and which, if you like and if I may say so, so far as this matter is concerned, is the root trouble. After that, comes Radcliffe who defined certain doubtful boundaries and we have necessarily to accept that, which is a part of the scheme of partition. He settles many things; we accept them, everybody accepts them and the boundaries are settled. Even so, when we settle down to the actual task of demarcation etc. there comes the interpretation of Redcliffe'e Award in regard to some matters, not all; because, many things have been settled. Another commission is appointed, which is called Bagge Commission or tribunal, whatever it is. They come on the scene and interpret the previous tribunal's award, Radcliffe's Award.

So, every matter that has been dealt with here, except one, is a continuation of the Radcliffe's Award as interpreted subsequently by Bagge and the dispute that arose subsequently as to Bagge's interpretation of it. So, we go on from one to the other, each time reducing the area of disagreement. What Justice Radcliffe did led to a large measure of agreement about disputed points and what Justice Bagge did led to further agreement. But there were some more disputed points. Unfortunately, some were left over and we have been disputing them and arguing about them all this time, year after year, having lived with this problem for the last 8 or 10 years. I have lived with them because they have constantly come to me. I have looked at them and examined them numerous times, not one but scores and scores of maps, charts and other papers. It is not a new thing to me. It has been a frustrating experience, all these things going on. Naturally, we desire to settle them.

The House will remember how frequent it has been questions were asked here, adjourment motions etc. "Why it has happened in this border?" "Why there has been an invasion in this border?" or a firing there. It is a continuous experience we have had for these years and we have dealt with them. Now, it is no small matter to put an end to this, if we can. It was a very desirable objective, a very necessary objective that we should put an end to these disputes, because all these troubles in the border have occurred very largely because it was disputed territory. So, we have been aiming at the solution of these problems for all these years and, if I may say so, the attitude of the Pakistan authorities in the past years before these particular agreements was not a helpful one.

It was a difficult one. I do not say that everything that we said was necessarily and always justifiable in regard to the border lines. Countries take up legalistic attitudes and we have to abide by the law. Each party digs in its toes and there is no settlement. That was happening year after year. When this particular matter, this series of agreements, took place beginning from September, 1958, we found that for various reasons this highly legalistic attitude and obstructionist attitude, as I said, on the part of Pakistan had changed. The approach was different. Every party was tired of these continuing disputes which brought no benefit to any. Therefore we found it much easier to discuss these matters then than we had previously.

Again, as I said, these questions have been with us for the last ten or twelve years——some more, some less and some came a little later as the situation developed. In the course of these years there have been innumerable conferences on the official level chiefly about these matters. I do not know how many there have been. Innumerable may perhaps be a big word, but numerous conferences at the Secretaries level, this level or that level and sometimes at ministerial level had been going on. Gradually some matters had been settled as a result of that. But in the main the border questions remained unsettled. As a rule those border questions were taken up one by one. Suppose we sat down about some matter on the Punjab border. We took it up and, as usually happens, on that particular issue both took up rigid attitudes. We were not prepared to give up and they were not prepared to give up and we broke. Now for me to say on a matter of this kind that we were hundred per cent right and they were hundred per cent wrong would be manifestly not correct. It may be right patriotically that we are always right; right or wrong, we are right. But I am not prepared to take up this attitude.

These were difficult questions, namely, these tiny border issues etc. are difficult in interpretation. The whole partition of India was an illogical thing. You proceed from a basis of lack of logic and reason because of things that have happened. We are forced into it. If other illogical things happen as the consequence of that basic lack of logic, you have to face them. So they were difficult questions where reasonable arguments could be advanced often on this side and that side. Remember, it was not a question of merit. It was always a question of legal interpretation of these things. We, most hon. Members here, naturally accept our own interpretation and possibly do not even go deeply into the question as to what the other side may have about it in law. So these are legal matters. Anyhow, repeated conferences took place on the highest official level usually for single things, for single pieces of territory, for a very small area perhaps. It may be half a mile or a few hundred square yards or whatever it was.

Then came a new approach to this problem of looking at it as a whole—first as a whole in one area in the Punjab or somewhere else and later still loking at it as a complete whole....

Shri M. Khuda Bukhsh: Inclusive of the question of Kashmir? The hon. Prime Minister said that we looked at it as a whole.

Shri Jawaharlal Nehru: If the hon. Member will restrain himself and allow me to proceed, it will be a little better I think. We are dealing with important matters and I hope he grasps that we are dealing with important matters. It does not appear very relevant—what he has said just now.

A new atmosphere developed of honestly trying to settle and we came to this agreement. Before this agreement there were a series of official meetings, that is, before the agreement of September, 1958, there were a series of official meetings in Karachi. Our officials went. Our Commonwealth Secretary went. I think he also went to Rawalpindi. They came here. So for anyone to imagine that any part of this subject or this agreement suddenly came up or was suddenly accepted or rejected is not correct. It was looked at from every point of view. Whether the decisions were right or wrong is another matter, but it was thoroughly thrashed out. Throughout these many years the External Affairs Ministry naturally tried to keep in the most intimate touch with the State Governments concerned because the State Governments sometimes may take, according to us, rather a limited view. But they were concerned and we had to keep in touch with them. We did that. Almost always when we had this official level conference, whether in Karachi, Rawalpindi, Dacca, Calcutta also or here in Delhi, the State Governments concerned were represented at those conferences. It is a normal practice. At the official level conference they were led usually by the Commonwealth Secretary who had been so intimately connected with these matters for these many years that he knew the history of it, every little bit of it much more than I can presume to know.

What I am venturing to put before the House is this developing scene, this succession of events one after the other, ultimately the whole thing converging to this particular conference of Prime Ministers in September 1958. It had been prepared for. Just before that, a month or two before every subject had been discussed at Karachi or Rawalpindi—I forget where—on the official level. Then we met here and again all these things were discussed on the official level while we were there.

Now a controversy has arisen about consultation of representatives of the Government of West Bengal in this matter. It is a regrettable and unfortunate controversy. All I can say is that there must have been a misunderstanding because one thing is a common factor that through all these months and years these matters have been discussed jointly and apparently some hiatus occurred in the understanding of parties. Maybe, it is my fault. I certainly proceeded on the fixed conviction that all the States concerned who were represented here by their Cief Secretaries or high officials had accepted this, namely, Punjab, Assam and West Bengal. These were the three States concerned. I proceeded on that assumption. I would not have proceeded—I could not have—if I had had any doubt about that. It may be that the assumption I made was not wholly justified and there was some misunderstanding on the part of the Commonwealth Secretary or mine. Whatever it is, I am prepared to accept the responsibility. But I do wish to remove this impression that in a matter of this kind we can ever function without consulting the States concerned. That will be quite wrong.

However, this happened and we came to the decision that the proposals made, which were subsequently embodied in the agreement, were in the balance good proposals. There was in them something which we did not like, which was hard to swallow, but there were many things in them which we liked indeed. It was something to accept them as a whole with all the advantages and benefits that flowed from them than to reject them as a whole because you have to consider the whole thing as a whole. It is not all right to say that we agree to 75 per cent of the proposals and the rest 25 per cent are not agreed to. It was a question of 100 per cent because it was a give and take offer.

So we came to this conclusion. This was definitely in the balance desirable from the point of view not only of the whole of India, of the whole of the piece of the border, but if I may say so with all respect, from the point of view of West Bengal and the people of West Bengal also. Thas was our approach.

13 hrs.

Now, the points to remember are these. First of all, it is an issue. It is not an isolated thing. When people talk about making a gift of land to the people of Pakistan, or under pressure from Pakistan agreeing to something which is undesirable or take it up as a new issue, this is a direct descendant of the Partition. You cannot isolate it. It is part of the Partition which had been dealt with from time to time reducing the area of difference, and then we tried to settle it this way. So, it is a Partition matter. If it is a Partition matter, the House will remember really however wrong it may seem, it is a legal matter of interpretation and all that. It is not a question of my agreeing or the people of the area even agreeing or not. People of the area, vast numbers of people, were compelled to accept the Partition itself without their agreement. They suffered and we suffered and all kinds of things happened. It is not a normal gift or transfer of territory. That has to be remembered.

The Supreme Court has called it cession of territory, quite rightly, completely rightly, if I may say so with all respect. Why? Because, it is, as a matter of fact, described in our Constitution where the boundaries are given as part of India. Therefore, you have to change the Constitution to bring it out of that description. You may call it cession. Cession means transfer of territory to another. This does not necessarily mean that, because it is described as a cession, it is not a descendant of the disputes of the Partition. Of course, it is obvious on the face of it, that that is only a description of how to proceed with it, cession, transfer, call it what you like. We arrived at this agreement.

May I also just mention to the House that always, whenever such an agreement was arrived at, I came immediately to the House and informed them of it in detail? For instance, take the first Agreement of September. The Agreement was arrived at—signed—on 10th September. I came to the House and made a full statement on the 12th of September, within 2 days, 48 hours. Take the Agreement of 23rd October. The House was not meeting then. Immediately the House met, I came to it in the middle of November and gave them a report. Take the Third Agreement of 10th January of this year. Again, the House was not meeting in January. Immediately it met on the 9th of February, I came and reported. We have been keeping the House—there is nothing hush hush about it—informed and the country and everybody informed.

When the first Agreement was announced in the House and elsewhere and in the press, the West Bengal Government expressed their disappointment, disapproval, particularly of this Berubari area. There was some argument then about that, their not having been consulted, etc. I am not going to repeat all that. After that, the question arose as to how we should implement this Agreement. Legal issues were involved as to the method of doing so and we decided that the President should be pleased to refer it to the Supreme Court for their opinion. We did not wish to take the responsibility in this serious matter.

What did the reference to the Supreme Court mean? It meant that we were asking them as to the method of implementing a certain decision obviously. The Supreme Court was

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not asked by the President to tell us as to the propriety of that decision, as to the rightness, legal or other of that decision. In fact, the reference to the Supreme Court meant that this has to be carried out and they have to tell us how to carry it out.

This was with the Supreme Court for nearly one year—for two weeks less than a year, from 1st April 1959 to 15th March, 1960. During all this period, in fact, right from the very beginning, from an early period, that this First Agreement was made, we were constantly in touch with the West Bengal Government with a view to carrying out this Agreement. We were helped at numerous stages in supplying us with facts and figures, information about it. What I am venturing to put before the House is this. It is true that early in 1959, there was a strong expression of opinion of the Bengal Government and the West Bengal Assembly against this part of this particular decision. That is perfectly true. We tried to explain to them. There were discussions. After that, from that time onwards, the whole procedure has been one of acceptance—not binding down this Parliament, of course; I am not saying that—even though it was not liked, because of the larger considerations, taking the picture as a whole, and there is bundle of correspondence with the West Bengal Government as to what should be done and what should not be done, normal official correspondence, not going to the basic questions I repeat that the whole reference to the Supreme Court could only have one basis, that is acceptance of this and finding out the way do it. On the other hand, why worry the high authorities of the Supreme Court to have their opinion in the air on something which we did not have to do or might not do? So, the Supreme Court was pleased to give their opinion after a considerable time, after very great care, no doubt.

That opinion referred to three possible courses for us. Out of those courses, we thought one was the most suitable and it is in accordance with that decision that I come up before the House with this Bill—in accordance with the Supreme Court's advice in this matter.

Some little time ago, certain legal issues were raised in this House in regard to these matters and I ventured to deal with them here, to point out that the course we had adopted was in strict accordance with the law and with the advice of the Supreme Court. I do not think I need go into that matter again because I have once dealt with it here.

In the Supreme Court, as far as I remember, West Bengal also was represented by eminent counsel. They argued the case, I take it, on the basis of how to do it, not challenging the very basis of the agreement.

Apart from the deep feelings involved in it or the passion involved in it, the question is a relatively simple one. Legally, I do sumbit that we have to proceed strictly according to the law. If any one says, as the hon. Member opposite just said raising a point of order, that this Parliament has no right to cede territory, that, surely, is a most extraordinary proposition. Nobody wants to cede territory, but to say that our sovereignty, the sovereignty of this Parliament, is a limited one is a thing which I do not think any person, any lawyer or any person acquainted with public affairs can accept. In fact, this argument was raised before the Supreme Court and has been dealt with adequately by the Supreme Court. It is really reducing the authority of this Parliament very greatly, which no sovereign country can ever accept. We have the right, this House has the right. Make it as difficult as you like, but it has the right. You can limit it in this way, in many other ways too; it is a question of limitation, you can make it a little more difficult.

When I was dealing with some of these questions, legal issues, I ventured to point out that one of the courses that the Supreme Court had suggested—they did not recommend it, but they suggested: this is a course which might be followed—we had not adopted deliberately because that would have made it easier in future to transfer territory, and we did not wish to make it easy, we want to make it, the process, difficult, so that nobody can do it in a hurry, nobody can do it just by a casual vote, not even this House. We wanted to safeguard that. But the fact that this Parliament is supreme to do it cannot be challenged, even though the hon. Member opposite did seem to challenge it.

So, we have, as a consequence of the partition, disputes left as to the exact boundaries—as a consequence of the partition and the Radcliffe Award. Those disputes are referred to another tribunal which again decides many things, some are still left over. All those disputes continue for years, and we argue about them, have conferences, meetings, and gradually nibble away at them and succeed in solving some, but some remain. And ultimately we meet together at the Prime Ministers' level and try to solve them, and we succeed after naturally examining them and give and take. And I may say it is not merely a question of acquiring some territory and giving them some other territory. It is also a question of a number of disputes relating to territory being withdrawn. That ceasing to be a dispute is also a gain for us. And such things happened because there were areas which were challenged, were disputed, the areas in our possession, and it was decided there was no further dispute and they withdrew that. All these facts have to be taken together, not one single fact alone. So that, I should like this House to see this continuous scheme of things, this continuous history, this bad legacy of the partition which we wanted to put an end to. And I have no doubt having dealt with this matter all this time, all these years, that the way we did it—it is open to any hon. Member to say that there is a better way of dealing with it—was, in the balance, advantageous to the country and to West Bengal, and if I did not believe it, of course I would not have done so. There is no question of rushing, it is a development of years. People seem to imagine that overnight one thought of something, and we were pushed into some kind of an agreement. That is not so. It was the culmination of a long effort.

There is one rather curious thing about these things to which, no doubt, hon. Members will draw attention in the course of these speeches later, and that is this. Here is a Bill, an amendment of the Constitution or the other Bill, which changes the borders of India to some extent, and yet, the exact change is not indicated in these Bills. It is an odd thing, but this oddity has arisen because there was no other course open to us, because the thing has to be demarcated first. Now, if you say, "Have it demarcated first, then come to us", that, too, is not open to us, because, unless legal authority is given for that, we cannot go into a disputed territory and demarcate it. In fact, I believe there was a decision of the Calcutta High Court in regard to another matter saying that without legal sanction that cannot be done. So, we were on the horns of a dilemma. We cannot go and demarcate and then come here, because we cannot do it before the legal sanction comes; and if we have legal sanction, as we seek from this House and Parliament, then it means the actual demarcating process comes later. So, in our attempt to follow the Supreme Court's advice, we had inevitably to decide to come here in this form of Bills. Hon. Members will see that only after Parliament approves of them, we can start this process of demarcation in all these areas, whether it is small or big, even in the Punjab. There, there is

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no dispute at all, in fact there is no dispute anywhere, no dispute has been raised so far as I know except in regard to the Berubari area of Bengal. The Punjab Government has been eager and pressing us: why don't you go ahead, why are you delaying, we went to exchange these territories. The Assam Government has been pressing us too. And both these Governments and their Assemblies have agreed. Those questions hardly arise, but even there some demarcation has to take place. The area may be a hundred yards this way or that way or half a mile, whatever it is, because then it has to be followed by boundary pillars and all that. Therefore, there was no course left open to us except to come here without that clear demarcating line and seek Parliament's decision in this matter, so that we may demarcate afterwards. This means that if these Bills are passed by Parliament, the amendment, then another process will start after passing them. It does not mean that transfers are suddenly made. The second process of demarcation starts, and I do not know how long it will take. It should not take very long. Some areas are quite small, like Tripura. The area, I think, is a question of a few hundred yards or something like that, very small area. Probably it can be done in a day or two by the two Commissioners who go there. In the Punjab it should not take long either. In the case of Berubari it may take longer, probably it will take longer, how long I cannot say. But that process comes, and demarcation means agreement, obviously. The dividing line can only be arrived at by agreement of the two parties, that is, the two Governments, the Government of India and the Government of Pakistan. So, all that is involved. If there is delay in coming to an agreement, there is delay in giving effect to it. That is the process. I cannot see how we could have adopted any other course in this matter, following as we wanted to and are trying to, the Supreme Court's advice.

Hon. Member Shri Tyagi wanted the exact lines and marks. I will produce the maps, as I said, but the maps will not show, because of this difficulty, the exact line that might come, but there is a fairly definite description in the schedules attached to these Bills of where the lines should be. I admit that it is not frightfully easy to understand when they say in rather technical language; a map is much better. And I shall try to produce some maps.

Therefore, when the Bills talk about the appointed day, the appointed day means the day which will be appointed after the demarcation has been made. When that is made, and both countries are satisfied, then we appoint a day called the appointed day, actually to give or to receive.

Shri Vajpayee: Is there any date-line by which the Nehru-Noon Agreement has got to be implemented?

Shri Jawaharlal Nehru: Well, in the Agreement itself, I think, in so far as Punjab was concerned, there was a date line I think it was October, 1960; I am getting rather mixed up, but there was a date-line. Then, there was some correspondence between the two countries, and for various reasons, it was pointed out that it was rather difficult; and it was extended to the 31st December, 1960. But this was really related to the Punjab transfers. I do not think there is a precise date-line for the other transfers in Bengal etc. But, of course, it was generally accepted that one would try to do it as early as possible. As a matter of fact, the fact that the Supreme Court took about a year over this naturally has extended these periods greatly.

As I said, the Punjab exchanges of territory, and the Assam boundary in so far as it is affected and even the Bengal ones too except Berubari have been fully accepted by all concerned. The question has arisen, as we all know, about Berubari. The Berubari

Union is one of the Unions of West Bengal. And frankly, the decision about Berubari was an *ad hoc* decision at that time, in September, 1958, that is to say, it was a disputed area,—the whole of Berubari, not half—claimed by Pakistan and occupied by us and claimed by us. There were only two courses open to us, apart from the fact that if we did not agree about this, the whole agreement would have been shaken up and possibly endangered; the only other course was to appoint a third commission or third arbitrator to decide these issues. In those circumstances that faced us we thought it was better to have an *ad hoc* decision, if you like, instead of going to a third arbitrator; with all the possible risks involved in that procedure. So, we decided to divide this.

That again was a reason for the Supreme Court to say that this is a kind of cession or transfer, because, obviously, the partition did not lay down the division of Berubari. You may interpret the partition as Berubari going to Pakistan or remaining with India. Nobody could interpret it as such, as half going there and half remaining here. So, it was an *ad hoc* decision taken, and, therefore, it could only be given effect to by the processes mentioned by the Supreme Court.

Then, again, there is something in these Bills, which is quite apart from the partition, and that is about the Cooch-Behar enclaves. Certainly, as a result of Partition, little bits of territory belonging to the old Cooch-Behar State fell in the new Pakistan or the India after Partition. It was a highly inconvenient thing, and there were—I am not quite sure about the number, but if I remember aright—over one hundred such enclaves either in Pakistan or in India. We had no approach to the Indian territory which was an enclave in Pakistan, and we could not get there, due to whatever reason it may be; likewise, broadly speaking, they could not get into their territory which was an enclave in India; though it was Pakistan territory, they could not get there. And it was also a highly inconvenient thing, and very helpful to smugglers, criminals and the like.

So, for some years, there was this question 'Why should we not exchange these enclaves?', and ultimately, that too, in this wider agreement, was brought into the picture. But that was clearly not a question of interpretation of the Partition Agreement. This is quite independent This was indeed a transfer of territory by us and a transfer of territory by Pakistan. So, that has been included in this also.

Now, about Berubari, there is an odd thing, apart from the fact that the line of division can only be drawn up, after Parliament has sanctioned it by the respective authorities of the two countries; therefore, I cannot say, except broadly, that half Berubari would come to us and half there; I cannot say how many people are likely to be affected by it. There is some confusion about this matter.

The whole of the Berubari Union at the last census had a population of 5932.

Shri Bimal Ghose: The population of the entire Berubari Union is about 12,000.

Shri Jawaharlal Nehru: I beg your pardon. It was 5932....

Shri C. K. Bhattacharya (West Dinajpur): The West Bengal Government have circulated a paper in which they state that the population is 12,000. I have that paper with me here.

Shri Jawaharlal Nehru: Whatever it may be, I am telling you that in the census of ten years ago, the population of Berubari Union was 5932.

Shri Tridib Kumar Chaudhuri: Here, in the explanatory memorandum, you have said that it is about 12,000. I think that is from the census report.

Shri Jawaharlal Nehru: No, no. The hon. Member is mixing it up I am not talking about today, but I am talking of the last census report.

Shri H. N. Mukerjee (Calcutta—Central): Dr. B. C. Roy says in the West Bengal Legislative Assembly, on the 29th November, 1960, as follows:

> "The Berubari Union has a population of about 12,000 to 13,000, the number of Muslims being about 100. Of the 11,900 Hindus about 8,000 are displaced Hindus from Pakistan . . .".

Shri Jawaharlal Nehru: Allow me to explain this. I am saying that the population, according to the last census, of the entire Union was 5932. That is a fact. The census report is there. There is no question of any difference on that. The point is how much it has gone up since then; in the last ten years, it has obviously gone up. The normal growth of population in West Bengal has been 15 per cent in these districts. Obviously, Berubari has had many more people as refugees from Pakistan. It is difficult to estimate them. You can estimate them as you like. The West Bengal Government gave this figure of the present population of the entire Union as 12,000, and in that explanatory memorandum, we naturally accepted that figure, but nobody exactly knows. In fact, only yesterday, Dr. Roy gave me a note that on further enquiry, it is likely to be 11,000; it may be 11,000 or 12,000, I cannot say definitely what it is, but all this is for the whole Union. As the Union is going to be divided into two more or less equal halves, we may presume that about 5,500 or maybe 6,000—I cannot say; if you take half of 11,000, the latest figure, it will be 5,500—people, residents, will be affected. Out of those, there are small pockets of Muslims inhabitants, some Christians, not many but some. So, that is the actual figure in terms of human population. Whatever it may be, a little more or a little less will not make too much difference; it is about that.

As I said at an earlier stage, to such as choose to come away from those areas as a result of happenings, the door of India would always be open; they may come at any time, and we shall be responsible for rehabilitating them, helping them in every way. That is another thing.

The question of citizenship was raised. There is no difficulty about people who come in as a result of the merger of certain additional territories. Section 7 of the Citizenship Act of 1955 clearly says that the Central Government may specify the persons who shall be citizens of India. There is no difficulty about them.

The other point raised was how can you push out people who are citizens of India and force them to have some other nationality. As I said, that really was done by the partition. And, this is a consequence of partition. (*Interruptions*).

Shri H. N. Mukerjee: You are accentuating the evils of partition on your own.

Shri Jawaharlal Nehru: If you will, you may put it at that. But it is a consequence of partition. But I do not wish to deny Indian citizenship to any person who is an Indian citizen now. It is open to that person to retain Indian citizenship and remain where he is as long as he likes; or it is open to him to come away from that area. I do not want him to give up Indian citizenship. As I said, if he comes away we are responsible for rehabilitation and help. But I do not see any reason why even if he comes away—or a number—why this should be a precipitate process, a hurried process. It can only harm his interests and others. If he wants to come let him come deliberately and with proper preparations with help by the Governments concerned. He has his property there. There is no good throwing away his property and running away. He can deal with it in some way, whatever best he may feel.

I have just to add this because this point has also been raised. First of all, as I have said, it is rather an odd argument that Parliament cannot even cede territory. That you were pleased to rule out. Then, the treaty-making power under the Constitution rests with the executive government. Of course, to give effect to the treaty, one has to come to Parliament. That is a different matter. So, Parliament comes in. But a treaty is completed under our present Constitution and practice the moment the Government of India signs it. The Government of India, if it does a wrong thing may be punished for it. But it is a different matter. But it has full authority to do that as in the case of many other governments. Of course, the practice varies. In the United States of America, the practice is different, as, I think, the Senate has to accept it. But it is not so in the United Kingdom.

Now, I do not think it will serve any useful purpose for me to go into details and the exact areas. Some of them, I think, are printed and given in the explanatory memorandum. And that could be possible for me, of course, to tell you the exact area or exact number of people involved in each of these. If any such information is required I shall be glad to give it at a later stage.

But, for the moment I might again say that except for the Berubari area, no other area in this agreement, in Punjab, Assam or in West Bengal has been really objected to or disputed. And I ventured to put before this House these developments in regard to Barubari in the context of the larger whole. And, I do submit that in such circumstances it was not only a right and proper decision but one—in spite of certain unhappy features which we all regret—which in the balance is a good one for India and that we should give effect to it.

Therefore, I submit that these Bills which, based on the Supreme Court's decision, are meant to give effect to that decision, should be accepted by this House.

Mr. Speaker: Now, to the motions for consideration with respect to both these Bills, there are amendments. To the Acquired Territories (Merger) Bill, Shri Tridib Kumar Chaudhuri has tabled an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1961. And, Shri Sadhan Gupta has also tabled an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st January, 1961. Under Rule 346, I select Shri Gupta's amendment. It won't be called dilatory; it won't be premature, that is, the Bill be circulated for the purpose of eliciting opinion thereon by the 31st January, 1961, so that there may be sufficient time in the interval. Afterwards, if the House agrees with it, we may have sufficient time to go through it. I think Shri Gupta is here. Yes.

So far as the Constitution (Amendment) Bill is concerned, there are 4 amendments, all for circulation. Of course, Shri Vajpayee's is for 30th December, 1960. He has also given notice of another which is for the first day of the next Session—because 30th December has no meaning. We will only meet on the first day of the next Session. Therefore, that amendment that the Bill be circulated for eliciting opinion thereon by the first day of the next session is selected. Others will not be allowed to be moved.

Shri Sadhan Gupta: Sir, I beg to move:

> "That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st January, 1961."

Shri Vajpayee: Sir, I beg to move:

> "That the Bill be circulated for the purpose of eliciting opinion thereon by the first day of the next session."

Mr. Speaker: Now, both these amendments together with the original motions of the Prime Minister are before the House.

So far as the time is concerned, I would like that 20 minutes may be taken by the leaders of groups—of course, I can extend it by 5 minutes. So far as others are concerned, it may be 15 minutes.

I would only appeal to hon. Members that all arguments may be placed. They may argue; They may debate; but let there be a calm and cool atmosphere in this House. Let us get along with these dispassionately.

Ten hours have been allotted for all the stages of the Bills—both the Bills. I would like to know the opinion of the House as to how many hours may be allowed for general discussion.

Shri Naushir Bharucha: Seven hours for general discussion and 2 hours for the clause by clause discussion—for both the Bills—and one hour for the final reading.

Mr. Speaker: Is there general agreement on that? Seven hours for general discussion, 2 hours for clause by clause consideration and one hour for the third reading?

Some Hon. Members: Yes.

Mr. Speaker: Excepting some portions like the Enacting Formula, the Title etc. other portions of the Constitution (Amendment) Bill require special majorities. As we proceed we shall be able to announce when exactly the division will take place—to avoid any hon. Member being taken by surprise.

Shri H. N. Mukerjee: Sir, we have heard the Prime Minister trying to commend his two motions to the House. But I fear he has not been able to explain how it is that the two together, the Constitution (Amendment) Bill and the provisions of the other Bill, would be good for the nation, good for West Bengal and good from every point of view. As a matter of fact, as we have indicated often enough in this House, we welcome every effort at an agreement with Pakistan; and we would have been very happy if the Nehru-Noon agreement had been brought about in more propitious circumstances and had secured the satisfaction of either country. But we do not understand why and how it is that the interests of a section of our people, however minute their numbers might be, are being sacrificed without any regard for the principles that were involved.

13·40 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

If I could be convinced that these several thousand people in Berubari would be sacrificed on the alter of the overall interests of our country, that was a different matter. I do not know why West Bengal in particular would have to be singled out every time for this kind of a sacrifice but if the call goes out to West Bengal to sacrifice a particular interest for the sake of the country, I am sure that West Bengal would respond in a manner which is in conformity with her traditions. But on this occasion, things have happened in a manner which suggest that the entire agreement was arrived at without a proper understanding of the issues involved and that, particularly in the case of Berubari, Government had no idea as to what exactly was going to be the outcome of the agreement which it was entering into.

Sir, it is quite apparently innocent on the part of the Government to come to us and say that Government has been trying all the time to proceed in the proper way. But actually after the agreement was announced in October 1958, there was tremendous opposition in the country which was also voiced in this Parliament and it was only when certain citizens of our country approached the highest judicial authority that certain decisions came out as a consequence of that application before the Courts. It was only then that the Government appeared to wake up to the seriousness of the situation which it had somewhat precipitatedly created over that agreement. The Prime Minister says that the whole matter has been a package deal, that the matter was decided on its merits, that the question of Berubari in particular was an *ad hoc* decision arrived at, that except for one exception—presumably that one exception referred to Berubari—all the other matters settled according to the terms of the agreement ensued out of the Radcliffe Award and the decision of the Bagge Tribunal....

Shri Jawaharlal Nehru: The exception relates to the enclaves of Cooch-Behar.

Shri H. N. Mukerjee: The Prime Minister's point is that after all it certain outstanding matters which was given by Radcliffe and the decision given by Bagge that there were certain outstanding matters which Pakistan and India used to discuss from time to time and in order to have a final settlement of that issue this agreement was arrived at. That is why, I am sure, the Prime Minister has fought shy of the words 'cession' or 'alienation' which came to be mentioned first of all in the decision in the Supreme Court and not earlier. On the instructions of the Government of India, the Attorney General, who has a very high position in our country as the leader of the bar and whose word, when he represents the Government of India, is listened to with the greatest respect in the Court, strenuously fought before the Supreme Court in order to establish his contention that only boundary disputes were concerned in the matter and there was nothing like cession or alienation of Indian territory. On account of this hesitancy to use the word cession, I find the Prime Minister, when he made a statement before us on the 5th of December, on page 6028 of the cyclostyled report, referring to Berubari and saying as folows:

> "It was not a cession of territory as such. Though it resulted in a cession, it was a recognition of something which Radcliffe had stated."

He fought shy of the word 'cession'. The words 'cession and alienation' came up first of all in the Supreme Court judgement. I do not know why he hesitates to call a spade a spade. Some of us would wish to call a spade a miserable shovel. It is better to face facts as they are. It has been a cession; it has been an alienation of certain territories which cannot be considered, according to the very considered judgement of the Supreme Court, to be a matter relating to the interpretation of boundary disputes In regard to this at page 10 of the Court Judgement as circulated to us, the Court observed:

> "On behalf of the Union of India, the learned Attorney-General has contended that no legislative action is necessary for the implementation of the agreement relating to Berubari union as well as the exchange of Enclaves. In regard to the Berubari Union he argues that what the agreement has purported to do is to ascertain or to delineate the exact boundary about which a dispute existed between the two countries by reason of different interpretations put by them on the relevant description contained in the award. The said agreement is merely the recognition or ascertainment of the boundary which had already been fixed and in no sense is it a substitution of a new boundary or the alteration of a boundary; implying any alteration of the territorial limits of India."

He emphasised—the Attorney General—that the ascertainment or the settlement of the boundary in the

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light of the award by which both Governments were bound was not alienation or cession of territory of India and according to him if, as a result of the ascertainment of the true boundary in the light of the award the possession of some land has to be yielded to Pakistan, it does not amount to cession of territory: it is merely a mode of settling the boundary.

Having set forth at length the very strenuous argument presented by the Attorney-General, the Court gave its verdict in regard to this particular point and said that the agreement "does not appear to have been reached after taking into account these facts and is not based on any conclusions based on the interpretation of the award and its effect."

A little later, at page 15, near the bottom, the Court says:

> "It has been reached independently of the Award and for reasons and considerations which appeared to the Parties to be wise and expedient. Therefore, we cannot accede to the argument urged by the learned Attorney General that it does no more than ascertaining and determining the boundaries in the light of the Award."

Here is confusion on the part of the Government which is first pointed out by the highest judicial authority in the land. Some citizens of our country had to go to the Court. First of all they went to the Calcutta High Court. When they went to the Calcutta High Court. Mr. Justice Sinha, in his judgment, *Nirmal Bose versus Union of India and others*, reported in A.I.R. 1959, Calcutta, page 506, remarked:

> "It seems to be unthinkable that the Constitution contemplates that a citizen should wake up one morning and find that he and all that he possessed had been bodily handed over to a foreign power without his knowledge and consent".

I am sure the Prime Minister and his advisers, at that particular point of time, never had an idea that this really was going to happen as a result of an attempt to implement the agreement. Even so, if the agreement was very good, if it brought about a real change in the relations between India and Pakistan I would be prepared to consider it as carefully as I possibly can; I would be prepared to support it. The fact of the matter is that after all we have not been able to settle the outstanding issues between India and Pakistan. I know that we have to go slow and we cannot expect miracles overnight and we have to proceed by gradual steps. Even so, I do not consider that the matter can be put by the Prime Minister in a manner which would appeal to the emotions of everybody concerned. We would be willing to give over this part of the territory only because a settlement has taken place. In Bengal we have a saying that a drop of cow's urine in a pot of milk spoils the entire thing. Here, cession of territory is a thing which is so unacceptable from any point of view legal, political, ethical, moral, emotional or any other. It is so unacceptable from any point of view. Because of its being in the package deal, it vitiates the entire proceedings. Government proceeded in 1958 on the basis that merely certain boundary disputes were being sought to be adjusted. Pakistan may have put forward certain inflated demands in regard to Berubari. It began in 1952. The claims of Pakistan began to be rooted in 1952 and our Government may have thought that it was more or less a continuation and supplementation of what had happened in the time of the Radcliffe Award and Bagge Tribunal's award. That was a misunderstanding, and since that was a misunderstanding surely we could put it before the

Pakistan Government that it was on the basis of a misunderstanding that the agreement in so far as it related to Berubari was reached and therefore the whole matter should be reopened. But if the Government says rigidly that, after all, Berubari is a matter that is sacrosanct and we are going to give it over merely because it forms a part of a package deal then, surely, Sir, it cannot be acceptable to the conscience of the country, and I do not know how the Prime Minister can tell us that it is good, it is good for everybody.

As I said before, I want an agreement as soon as ever it is possible. A thorough-going agreement with Pakistan is necessary. But are we going to settle matters by this kind of proceeding? The Prime Minister said that we are having border troubles all over the place. We hear of those things—people being kidnapped, air violations taking place, the Kashmir cease fire line being violated and all the sort of thing. We hear umpteen instances almost every day in Parliament regarding this kind of thing. We want that the border disputes should stop. Particularly in the borders of West Bengal, Assam and East Pakistan, surely we want the disputes to stop. But are we going to stop disputes, are we going to minimise human suffering in that part of the world by this proceeding?

The Prime Minister, I regret to say, even took recourse to what is almost a verbal quibbling with regard to figures as to how many people there are in the Berubari Union. Dr. B. C. Roy has said 12,000, the Explanatory Memorandum says another figure, his latest census figures might be different and ultimately it transpired that something like 11,000 people are there. Half the area is going to be divided. I do not know if there would be some more quibbling about the composition of that population. Dr. B. C. Roy says that out of 12,000 people only 100 are Muslims. I do not know if that is so, but that is what his Chief Minister of West Bengal says in the Legislative Assembly.

I do not understand. If it was an entirely illogical proceeding which had led to the partition—and it was illogical and criminal—are we going to accentuate the evils produced by that partition in 1947? What possible logic can there be in the claim of Pakistan to a territory which is inhabited almost entirely by members belonging to a community which according to the very principle of the partition should not be in Pakistan but should rather be in India? I hate to have to refer to this kind of thing because the wholly illogical and criminal principle behind partition is repugnant to all that we hold dear in political thought and political action But if we are going to proceed on the basis of the agreement with Pakistan and cession of territories because it should on merit belong to Pakistan, then, Sir, what exactly is the merit involved in this matter? Sir, I have a lot of things prepared, ready-made, legal, technical and all that kind of arguments, but I do not wish to use those arguments. I wish our Prime Minister could tell us what exactly are on merits the reasons for giving over to Pakistan an area where the people are so composed from the point of view of community—unhappily in our country that is the position—that we have to face the risk of another uprooting of those people from that area where they have settled.

The Prime Minister himself said that a large proportion of the people who live in Berubari are already refugees from East Pakistan, and in the last 13 years the West Bengal Government has spent some money in that area brought about some improvements and enabled the refugees to settle down there. These refugees have gone there and how they are being told that they can go away again. Perhaps, Sir, I

[Shri H. N. Mukerjee]

am expected to be grateful to the Prime Minister for the very kind assurance which he has given that if they become refugees again the Government of India will look after them. I do hope that the West Bengal Government, poor as it is and harried as it is, is not given the job of looking after these additional refugees. But we know very well, in this House, how refugees are looked after by the Government of India, we know very well how the refugee projects are conducted by the Government of India, we know how the East Pakistan refugees have so far been successfully rehabilitated, and we know how the economy of West Bengal and the very foundations and the fabric on life in West Bengal have come to be jeopardised and broken on account of a problem which the Government of India is not in a position to solve. And,however minute the addition may be—4000 to 5000 more refugees to the very large number of refugees we have already got—after all, it is accentuation of a problem which we are welcoming as something which is in the interests of the country and which therefore should be accepted on merits.

I do not understand why this kind of proceeding takes place. I, therefore, feel that something has happened which goes against the grain of political decency. The Prime Minister does not seem to realise, after all, that some people in a part of India are being told absolutely without any reference to them that they have to be carted away from one allegiance to another. On the last occasion when I had an occasion to object to this Bill, I pointed out how in the nineteenth century when the Congress of Vienna took place in 1915, Metternich, and others used to cart about people from one allegiance to another without reference to the people. Today, Sir, even in a fascist set up there is some sort of effort—I know it is completely fraudulent, but there is at least some sort of an outward effort—to consult the wishes of the people. When the fortunes of the area called Saar in Western Europe between France and Germany had to be ascertained, there had to be a plebiscite, some kind of a reference to the people concerned. I do not say here on this occasion that you have a plebiscite in Berubari. But what is the kind of consultation which has taken place between the Government of India and West Bengal?

Sir, I do not wish to hold any brief for his Government of West Bengal which has behaved, I think, in a manner which is quite egregious, there is no doubt about. I have no sympathy for them. By acquiescence they have certainly agreed with whatever the Prime Minister wanted to do, and latter in order to put up a brave face before their own people they spoke in a different vein in the Legislative Assembly—Dr. B. C. Roy and all his friends. I have no sympathy for them, because they completely acquiesced right from the beginning in what has happened. But how is the Prime Minister to determine the wishes of the population concerned, the wishes of the State? Even if the Government of Dr. B. C. Roy in West Bengal had said "yes, Sir" to whatever the Prime Minister wanted them to say "yes" to, after all, the legislature of West Bengal as early as the 29th of December, 1958, passed a unanimous resolution on the motion of a Congress Member of the Legislative Assembly disapproving of the entire agreement. And, Sir, in this House, opinions have been expressed by different Members disapproving this agreement, if West Bengal is to be taken into consideration. The West Bengal Legislature disapproves it. The West Bengal Government outwardly disapprove of the agreement and stealthily comes to Pandit Jawaharlal Nehru and says that it agrees. At least it acquiesced in such a manner, it took so many steps one after another, that I am not going to exonerate the Government of West Bengal. But, after all, the legislature of West Bengal is entitled to some respect, and the wishes of the people of West Bengal are entitled to some respect. The Prime Minister may be enormously busy and he may not have the time to read the West Bengal newspapers, even the Congress newspapers, but they are writing editorially acid comments in regard to the position of the Government of West Bengal in this matter, and they are pointing out how it is that the Congress Party in West Bengal can in the legislature say one thing and then later say that they have to accept a position, which they cannot in all conscience accept, only because the prestige of the Prime Minister is involved. I do hate to have the prestige of the Prime Minister posited against the interests of the country. The Prime Minister also disabuses everybody's mind of any kind of contradiction between the prestige of the Prime Minister and the interests of the country. They must conclude. But it is only by reference to the prestige of the Prime Minister, it is only by saying that our Prime Minister has given the word of honour to Mr. Feroze Khan Noon, it is only on the basis of an agreement having been arrived at because our Prime Minister not knowing all the facts has put his signature or got his secretary to put his signature to certain documents, that the Congress Party today is being driven to try somehow to explain the position. Does not the Prime Minister know what the feeling of the people there is in regard to this point?

Why should he consider that since this matter has once been settled it cannot be reopened? Why cannot we in the most friendly possible fashion, tell Pakistan that in regard to this Berubari issue we proceeded *ab initio* on a footing which was later found to be rather wrong, and why cannot we say, that in view of the disposition of the population of Berubari after transfer and in view of the threatening further border disturbances in that area, let us reconsider that position? Pakistan may not be in a mood to listen to us. But Pakistan is not in a mood to listen to us on so many other matters, and if we are to wait upon the good pleasure of Pakistan going to concede to us, surely we shall get nowhere with our ideas and all that. Therefore, I feel that the wishes of the people of West Bengal have not been consulted at all. I want to repeat what I said earlier that like human cattle these people in Berubari region are being shifted from one allegiance to another. Their citizenship rights are being completely disrupted and, of course, there is some chance in regard to refugee rehabilitation, but it is a small mercy for which I am surely not going to be thankful.

14 hrs.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri H. N. Mukerjee: I shall finish in two minutes' time, Sir. I have noticed also that the Congress Party has been driven to such a predicament that Congress newspapers placard such items of news—that there is a Law Minister, who happens to be from West Bengal, who has not agreed to pilot the Bill! I am sure the Law Minister has nothing to do with this kind of canard that appears in papers. But only in order to justify what was completely indefensible, they have even to go so far as to suggest that in a Cabinet set up the Law Minister can refuse to pilot this Bill, refuse, that is to say, to do something which devolves upon the shoulders of the Prime Minister. It only shows how deep the malady has gone, and how absolutely indefensible the position is in regard to the people of West Bengal. I feel, therefore, that the agreement be altered. I feel that a friendly approach should be made to Pakistan. I feel that the agreement having been entered into on the basis of cetrain ideas which have been declared by the Supreme Court to be

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wrong *ab initio*, we can reopen the whole matter and have further discussion and hold up the proceedings for a little while longer and then, and then alone, shall we have a settlement which should redound to the interests of our country as well as to Pakistan.

Shri Tridib Kumar Chaudhuri: Mr. Deputy-Speaker, Sir, the Prime Minister told us a little while ago that this was package deal and it was a give and take proposition. So, I did a little calculation of my own and tried to find out what we were giving out and what we were taking. So far as the giving out of territory is concerned, in terms of square miles, 61.185 square miles and in terms of acres, another 509 acres are being given away. So far as the area that we get is concerned, that is only 26 square miles. That is, against 61 square miles that we are giving away, we get only 26 square miles. 509 acres are given away to Pakistan and we get from Pakistan 163 acres. It is a wonderful give and take and *quid pro quo* exchange!

Now, it is more or less clear that although we are dealing with two Bills, one for the acquisition and merger and the other for cession, the overall position boils down to one of cession. On my part, I tried to seek some guidance from the discussion in the provisional Parliament nine years ago, when the Assam Alteration of Boundaries Bill was under discussion. On that occasion, the Speaker of the present House, was in the Chair, and he expressed certain doubts. Although he was presiding over the deliberations of the House, it would be worthwhile to refer to what he said. When Dr. Keskar, on behalf of the Prime Minister, moved the Bill, Mr. Speaker said:

> "I have got a little doubt here under articles 3 and 4 of the Constitution. Can you give away any portion of the territory belonging to Indian Union to any other State which is not in the Union? Is that contemplated in Article 3? It provides for diminishing the area of one State by throwing some of its territory into another State of the Union. It also provides for altering the boundaries between two States of the Union. From Madras you can give a chunk to Bombay. But can you give a portion to foreign State?"

Dr. Keskar replied to that query by saying that Article 3 says, "Diminish the area of any State" whereupon the Speaker observed, "But you cannot diminish the area of the Union as a whole." And that is the crux of the matter. Although that observation was made as a sort of *obiter dicta* as has always been the practice with Speakers or with the presiding officer in this case, whenever any constitutional question is raised, he left it to the decision of the House itself. But I found that on that occasion, several other eminent Members of the Provisional Parliament who were also the founding fathers of our Constitution, expressed every serious deoubts whether the Bill that was being passed under Article 3 of the Constitution on that occasion for ceding a part of the Indian territory—32 square miles of the Devangiri hills to Bhutan—was not *ultra vires* of the Constitution.

I may also refer to the very categorical and forceful opinion that was expressed by one of the late-lamented leader of this country, one of the founding fathers of the Constitution and also a distinguished member, one of the Government, and then of the Opposition, Dr. Shyama Prasad Mukherjee. He said on that occasion:

> "There is nothing in the Constitution as it stands today which empowers this parliament to cede out any portion of that territory which is included in India, that is Bharat. It is specific, clear and unambiguous. If it is thought

> necessary that this particular step should be taken, then what I would suggest is that this Bill should be withdrawn and a necessary amendment of the Constitution should be made so that the thing may be done properly and and constitutionally."

He further pointed out that although the territory involved might be small,

> "the question of principle involved is a highly important one and we should not allow even Parliament much less the executive, to be given this power to cede out this territory which is included within the framework of the Constitution unless there is some specific provision made in the Constitution in that behalf and that is strictly followed. So far as the powers of Parliament go, there is no residuary power vesting in Parliament outside the four corners of the Constitution. It is our Holy Book, Bible, Gita or whatever you may call, and you must remain confined within its four corners. If we find there is a lacuna which has to be covered we should not proceed in a manner which may give rise to any feeling, fear or distrust in the minds of any section of the people but we must first amend the Constitution"

Not only Dr. Syama Prasad Mukherjee but there were other eminent Members also who expressed this sort of doubt and it is only as the guardians of that cardinal principle of the Constitution that after nine years the highest court of judicature, the Supreme Court, in the country upheld that opinion.

Now, the Government have come forward with the Constitution (Amendment) Bill, and the Prime Minister has claimed that it follows strictly the opinion expressed by the Supreme Court. If I may venture to say so, and I said so the other day when I opposed the introduction of the Bill, that this is a fraud on the Constitution, and if I may be permitted to express it in this way, I would go so far as to say that it is also a fraud on the verdict of the Supreme Court. What has been the verdict of the Supreme Court? The Supreme Court has clearly laid down—I am reading from page 22 of the judgment—as follows:

> "There can be no doubt that a sovereign State can exercise its right to cede a part of its territory to a foreign State. This power, it may be added, is of course subject to the limitations which the Constitution of the State may either expressly or by necessary implication impose in that behalf; in other words, the question as to how treaties can be made by a sovereign State in regard to a cession of national territory and new treaties when made can be implemented would naturally be governed by the provisions in the constitution of the country. Stated broadly, the treaty-making power would have to be exercised in the manner contemplated by the Constitution and subject to the limitations imposed by it. Whether the treaty made can be implemented by ordinary legislation or by constitutional amendment will depend on the provisions of the Constitution itself. We must, therefore, now turn to that aspect of the problem and consider the position under our Constitution."

Having laid down that fundamental proposition, the Supreme Court went on to say—I am reading from page 32:

> "We have already held that the Agreement amounts to a cession of a part of the territory of India in favour of Pakistan; and so its implementation would naturally involve the alteration of the content of and the consequent amendment of Article 1 and of the relevant part of the First Schedule to the Constitution, because such implementation would necessarily lead to the diminution of the territory of the Union of India. Such an amendment can be made under Article 368."

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So, the Supreme Court has clearly stated two things have to be done. Article 1 as well as the First Schedule have to be amended. By merely changing the First Schedule, you may by implication change the contents of Article 1, but that is not a substantive amendment of Article 1 itself.

Why does the Supreme Court say that an amendment of Article 1 is necessary? Before I answer that question, I may venture to point out the contradiction between what the Prime Minister has claimed to do and what he actually proposes before us. The Supreme Court has clearly said that Article 1 has also to be changed and not merely the First Schedule, because the First Schedule of the Constitution is the First Schedule of the Constitution as a whole and particularly referring to Article 1 and Article 4 of the Constitution. The amendment of the Schedule is not necessarily an amendment of the Constitution. For that, you can refer to Article 4 which says that any amendment of the Schedule Article 3 or Article 4 would not be regarded as a change of the Constitution. So, I maintain that merely by proposing a Bill which changes only the First Schedule of the Constitution, you do not follow actually what the Supreme Court has asked the Government to follow. I may also venture to say that even if by your steam-roller majority you get this Bill passed, this will not be the last occasion on which we will hear of Berubari and this cession in this country. There are other Courts of Appeal where people can go.

Why does the Supreme Court refer to Article 1? The clear implication of the Supreme Court's reference to the necessity of amending Article 1 seems to be there must be a substantive amendment of Article 1 itself, an amendment incorporated in the body of Article 1, so as to validate the cession contemplated in the Bill. Why does the Supreme Court specifically refer to Article 1 and not merely to the First Schedule? It is because Article 1 is the only article which deals with the territory of India as a whole and any power to acquire or cede territories has to be found within that Article. Specific provisions have been made in that Article for the automatic absorption or incorporation into the territory of India of foreign territories that may be acquired by India by virtue of its inherent sovereign power. I maintain that the clear implication of the verdict of the Supreme Court is that in order to legalise the cession proposed there must be clear provision for the automatic diminution of the territories of the Union ceded to foreign countries in the exercise of its sovereign rights. The amendment of the relevant part of the First Schedule would come consequentially when actual cession from the territories of any State or any Union Territory as defined in the First Schedule is proposed.

I ventured to say on it earlier and I reiterate it now that the Bill that the Government has put before this House is not only a fraud on the Constitution, but a fraud on the verdict of the Supreme Court.

Coming to the Bill itself, I have already referred on an earlier occasion to the vagueness of the Bill. The Prime Minister has also referred to this and he was somewhat apologetic about it. That vagueness is clear in the Third Schedule of the Constitution Amendment Bill and also in the Acquired Territories (Merger) Bill. We do not know exactly what would be the extent of the areas that would come to us. But there is one aspect with regard to Berubari itself, to which the Supreme Court itself has adverted and to which the attention of the House should be drawn. The agreement with regard to the Berubari Union which we are going to put on the statute as law is that:

> Berubari Union No. 12 will be so divided as to give half the area

> to Pakistan, the other half adjacent to India being retained by India. The division of Berubari Union No. 12 will be horizental, starting from the north-east corner of Debiganj thana.
>
> The division should be made in such a manner that the Cooch Behar enclaves between Pachaghar thana of East Pakistan and Berubari Union No. 12 of Jalpaiguri thana of West Bengal will remain connected as at present with Indian territory and will remain with India. The Cooch Behar enclaves lower down between Boda thana of East Pakistan and Berubari Union No. 12 will be exchanged along with the general exchange of enclaves and will go to Pakistan."

Sir, maps have not been given. But I can claim that I have studied the position with the help of some of our West Bengal Congress friends coming from that particular area, and I dare say here—I can stand before any authority and say—that just as it is literally impossible to square a circle, similarly it is literally impossible to divide Berubari Union No. 12 half and half by drawing a horizontal line from the north-east corner of Debiganj thana and also to include one of the Cooch Behar enclaves within the Indian Union and fulfil all the other conditions I have read out.

The Supreme Court itself, on page 15 of its judgment, adverted to the fact "The use of the word 'horizontal' appears to be slightly inappropriate. Now the Prime Minister tells us that a Commission will be appointed composed of officers of the two Governments and they will go there to decide these things. But how are they going to do this, let the Prime Minister explain to the country and let him tell us, let his officers tell us how he is going to render these impossible things, geometrically impossible thing, geodesically impossible thing, possible. If a further dispute arises who is going to solve them? The Prime Minister told us that this is a continuous process and he hopes he has been able to put an end to these disputes.

But I might remind him in all humality that when the question of raising disputes is concerned, it is always Pakistan that first raises a dispute. Our journalist friend, Shri C. K. Bhattacharya had been crying hoarse before the Government for the settlement of a dispute with regard to 5 or 6 thanas of Nadia in West Bengal. With regard to them our Government never raised any dispute. The people of Cachar and the refugees that have come from Sylhet who are now living all over the country, they have been crying hoarse to the Government to raise the dispute over 8 thanas of Sylhet which clearly from a plain reading of the Radcliffe's Award comes to India. But our Government never raised any dispute about them. Our Government wants to be a good boy in the international world, to be a nation that never creates any difficulty. If we raise a dispute, that would shatter our prestige, that would shatter our advocacy of the policy of peaceful co-existence that we are trying to build up.

But whenever Pakistan raises a dispute, our Prime Minister is very chary of mentioning what disputes have been raised. I may tell you, for a moment I officiate for him and tell you. Pakistan had raised a dispute both about the Hilly area in West Bengal and Berubari. Our officials who negotiated this agreement were satisfied because Pakistan were prepared to drop their claim on the Hilli and to get half of Berubari Union, although the Supreme Court itself has held, the Supreme Court which is the highest court of judicature in this land that there was no basis for the dispute with regard to Berubari raised by Pakistan. *(Shri Subiman Ghose: Sarva nasa samut pamne ardhang tyajati Panditah!)*

The *Sarvanas* to which my hon. friend refers had not confronted the country yet but if we are going the

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way we have been going and if we try to solve our problems with Pakistan, all our quarrels with Pakistan, only by ceding our territories then we might very well solve the problem by seceding the entire country to Pakistan once and for all.

Now, that disposes of . . .

Mr. Deputy-Speaker: I thought he had disposed of everything.

Shri Tridib Kumar Chaudhuri: I will finish in five minutes.

I have just now referred to the Assam Bill. Here we have a precedent in the Assam (Alteration of Boundaries) Act, where it was precisely stated that a strip of territory measuring 31.82 sq. miles lying to the south of Bhutan within such and such latitudes and longitudes should be ceded to Bhutan. That is how you stated it at that time. Now you tell the country and the Parliament the precise area which you propose to cede to Pakistan as an act of your friendship. If you think you have to do that, for God's sake tell us what you are giving away. Here you come to us with a blanket Bill, where the Government states in its explanatory memorandum "Exact areas going to Pakistan will be known only after demarcation" and "Exact areas coming to India will be known after demarcation". There is no approximation even. As regards other items there are some approximations but here even an approximate idea is not given. It passes my comprehension how a Government seeking to pass a statute like this can come before Parliament with such vague measures.

Lastly, I come to the human aspect. The human aspect has been touched by the Prime Minister also and he has promised that if the people of Berubari become refugees for a second time, the doors of India will be open to them and he will give all help that is possible for the Government of India to give them. But are we to tell our people that they will always go on being refugees, wandering Jews, new Jews wandering from place to place with no place under the Sun to live in, with no fixed abode of their own? Then later you will perhaps try to consign them to Dandakaranya or Andaman Islands or some other distant territory. Should that be the fate of those poor people? That is why I maintain that these two Bills flowing out of the agreement that has been placed before us is constitutionally wrong, legally invalid, and an open fraud upon the Constitution which is morally insupportable. So, it would behove this House to throw out this Bill, Prime Minister or no Prime Minister.

Shri Atulya Ghosh (Asansol): I rise to support the motion. But I would like to give a few words of caution to the Government. The way the Berubari case and other cases have been handled created a lot of confusion in the minds of the general public, not only belonging to Bengal but belonging to all over India. It seems to me that people have been confused all over the country. I am not going into the technicalities of the constitutional aspect of the matter. But my only emphasis is that we should be more cautious while dealing with this kind of treaties or agreements.

It is not very clear to many persons living outside Bengal why the people of West Bengal are crying hoarse for losing 4½ sq. miles of area. To appreciate that we should go a few years back. We should also consider the psychological aspect of the matter. All along, when the foreigners, dominated us they tried to curb the power of Bengal by having some kind of partition. In 1905 it was partitioned and it was openly said that it was partitioned to curb the power of Bengal. In 1911 it was again partitioned and some portion was given to Bihar and Assam. In 1947 it was again partitioned, but that partition was for the benefit of India. The people of

Bengal think that something has happened of which the Government of India was not duly anxious to look after the interests of West Bengal as the interests of India. So, as a loyal citizen, I urge to the Prime Minister and the Government of India not to deal with this matter in such casual way. I can well understand the Prime Minister saying that there must be some kind of misunderstanding.

While dealing with a foreign country, why should there be a case of a misunderstanding? There is no scope for a misunderstanding. The Chief Minister of West Bengal says that the State Government was not consulted. The officers of the Government of West Bengal say that they were not consulted. But officers of the Government of India say that they consulted them. Why should this kind of anomaly and confusion be allowed to grow? This is the real problem. My appeal to the Central Government is to move very cautiously because we are dealing with matters which may easily affect the emotions and the mind of the general people and there are parties which thrive on this emotional upsurge.

Our hon. friend, Professor Mukerjee, was saying about the prestige of the hon. Prime Minister. In a democratic country the members of Parliament are elected on adult franchise the Parliament is constituted with those members who are elected on adult franchise and the majority party elects its leader who becomes the Prime Minister. Hence Prime Minister means the whole country and the Prime Minister's prestige is the prestige of the whole country. So it is quite rational and quite reasonable that when we endanger the prestige of the Prime Minister we endanger the prestige of the country. We have no doubt that in a democratic country the prestige of the Prime Minister is symbolic. It is very difficult for hon. Members belonging to the Communist Party of India to understand the democratic set-up. I can well understand his analogy of Europe and division of Poland, etc. He was citing that analogy. I can only cite him a recent case where 1,15,00,000 people were removed from one part of Russia to another. Were the people consulted? I could have understood the resentment of Professor Mukerjee if he had also resented the action of Stalin in moving 1,15,00,000 people without consulting them to other areas of Russia. I can well understand his submission that in future no country in the world may move its population in that way. But that analogy should not be referred to here.

Shri Muhammed Elias (Howrah): May I ask one question of the hon. Member? From which part of the Soviet Union 1,15,00,000 people had been shifted to another area? Does he know the names of those areas?

Mr. Deputy-Speaker: After asking the question he should resume his seat.

Shri Muhammed Elias: He does not know anything about the world and he is saying this.

Shri Atulya Ghosh: Sir, most probably my hon. friend is mistaken. I am addressing you and you may rectify if I have committed any wrong.

Mr. Deputy-Speaker: So far as I am concerned no wrong has been committed.

Shri Atulya Ghosh: I am also thankful to Professor Mukerjee for denouncing the partition of India because the Communist Party of India was the main party which supported the two-nation theory of Jinnah when all of us were opposing it.

Shri H. N. Mukerjee: On a point of order, Sir, reference is being sought to be made by the hon. Member over there to what he considers to have been the policy of the Communist Party about which he knows very

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little actually except to distort it. But I wish to ask you if it is in order to bring into the discussion allegations and distortions about political events in regard to the activities of a political party without having an opportunity of a discussion when the representatives of that other political party are present here to contradict entirely what he has said. I do not like this idea of merely negating what is being posited. But it is completely detrimental to the discussion. That is why I say that it is completely out of order to permit this kind of a discussion to take place. If he is allowed to say all this I will have to explain what the policy of the Congress Party was in regard to partition in the earlier years.

Mr. Deputy-Speaker: Strictly speaking, there is no point of order. In fact I do not have to answer any legal question or something constitutional. The question is only of propriety, whether it is desirable to make a reference to hon. Members in such a manner. So far as I could understand Shri Atulya Ghosh only wanted to say that Professor Mukerjee had today codemned that policy which was the basis of partition. At the same time he wanted to say that earlier his party, because he is a prominent member of that party, had supported partition. That is all that he wanted to say.

An Hon. Member: It is wrong.

Mr. Deputy-Speaker: If it is wrong, certainly there would be opportunities for other hon. Members and even for Professor Mukerjee, if he wants to put in some explanation in his self defence. Certainly I would give him an opportunity. But this can only be discussed by any other hon. Member. He can very well say that this was not the policy and the hon. Member was not right in putting that blame on the Communist Party.

Shri H. N. Mukerjee: Is it in order therefore to introduce irrelevant matters which would lead to acrimony on the floor of the House? That is the point of order.

Shri Atulya Ghosh: He was freely mentioning the name of the Congress Party. So I thought that this is the custom of the Parliament. Usually he speaks in this House and after hearing him I thought that bringing in the names of other political parties is the usual custom as he freely mentioned the name of the Congress Party.

Mr. Deputy-Speaker: Professor Mukerjee says that whatever he says should not be taken as the custom of the party.

Shri Atulya Ghosh: There is another amazing factor. In the beginning we were disturbed and distressed about the Berubari issue. But when we found that the Communist Party was siding with the Congress Party in the West Bengal Assembly we became thoughtful. We thought there must be something amiss in their supporting the Congress Party which previously they never did. The party who never raised a small finger against the occupation of 15,000 square miles of Indian territory by the Chinese, who never protested, who never brought out a procession, which never held any public meeting, crying hoarse over this 4½ square miles is strange indeed!

Shri Prabhat Kar (Hooghly): What a logic? This is wonderful logic. It is only possible for him.

Mr. Deputy-Speaker: The hon. Member should be allowed to proceed.

Shri Atulya Ghosh: Hon. Members sitting in opposition are interrupting. When Professor Mukerjee was saying many things about Dr. B. C. Roy, our revered leader in West Bengal, and about the Congress Party, we kept mum.

Shri Muhammed Elias: He did not say any bogus thing as you are saying.

Mr. Deputy-Speaker: I would request hon. Members to exercise some patience and control over themselves. Certainly there are many things that are said which are not to our taste. We do not like them. We differ from most of them. But even then in a democracy we have to tolerate them. When the opportunity comes to others to contradict those things, they can just oppose them and clarify them. But we should have some patience. I am aware and I anticipate that there would be certain things said on both sides which may not be palatable to other hon. Members, but we have to continue, in a friendly manner, discussing things and not just come out with these explosions.

Shri Ansar Harvani (Fatehpur) *rose*—

Mr. Deputy-Speaker: Order, order. I will request the hon. Member to hold himself in patience. He will also have an opportunity.

Shri Atulya Ghosh: I have been told that I am saying bogus things. But whether the Communist Party protested against the occupation of Indian territory is a matter of history.

I want to say a few words more. It is clear after reading all the papers and the correspondence relating to this transaction that the matter was dealt rather casually. I am not seeking to go into the merits of the question. But I am stressing on the casual manner which appears to have marked the procedure followed in completing this transaction. The Chief Minister of West Bengal thinks that he was not consulted. It appears that the representatives of he Government of West Bengal were informed about the proposal about the division of Berubari in a most casual manner. The whole thing appears to have been treated with an air of flippancy which is hardly commendable in a serious matter of this sort. I hope that in future when Government enters into a treaty for transfer of even an inch of India's territory, to any foreign power, there should be close consultation and discussion between the State Governments concerned, Members of Parliament representing the States concerned and the Central Government before any final decision is reached. There may be legal technicalities. There may be constitutional technicalities. I am asking the Government of India for a human approach. Our Prime Minister is known for his human approach and I am pleading with him to keep it in mind that while dealing with matters of this nature, the human approach should not be forgotten. It would be certainly ignoring realities if I do not give expression to the most passionate sentiments roused in West Bengal over the cession of half of Berubari Union to Pakistan without prior consultation with the State Government.

Some Hon. Members: Is he reading?

Mr. Deputy-Speaker: It is being enquired whether he is quoting or whether he is reading?

Shri Atulya Ghosh: I am reading, quoting, citing and speaking.

Shri Sadhan Gupta: He should read only what he quotes.

Shri Atulya Ghosh: We are all prepared to implement the treaty signed by the Prime Minister because......

Some Hon. Members: No.

Shri Atulya Ghosh: ....because the prestige of the Prime Minister is the prestige of India and that is, in a democratic country. We will all stand by that theory.

With these few words, I support the motion tabled by the Prime Minister.

Shri Barman (Cooch-Behar—Reserved—Sch. Castes): Mr. Deputy-Speaker, I am speaking these few

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words with a very heavy heart. At the same time, I must say, that with all the heaviness in my heart, when I heard the Prime Minister, in the very beginning, expressing his deep sympathy for those unfortunate people of Berubari, my feeling was much lightened.

Mr. Deputy-Speaker: Just a second. I may just inform the hon. House that the Prime Minister has written to me, I have some maps relating to the Bills being placed in the Library of Parliament and an officer of the External Affairs Ministry will be present in the Library from 5 P.M. onwards to explain these maps. Yes; the hon. Member may continue.

Shri C. K. Bhattacharya: I want to know whether the map of Radcliffe's award will be one of the maps.

Mr. Deputy-Speaker: He may go and see what they are and then say.

Shri C. K. Bhattacharya: It is on the basis of that that the whole thing has been worked.

Shri Barman: This reminds me of a few lines from the great Poet, Rabindra Nath Tagore:

> Nikhiler Bhar
> Bidhata Jahare Den
> Tar Booke Bedana Apar

I find them echoed today in this Bill. I understand fully what deep agony is in the mind of our Prime Minister, which also shows that though it pains him, by duty bound he has to do it. I wish only to say to these unfortunate people who are as much the blood of my blood and the bone of my bones that when the whole country, and I wish to say, even when people outside the country place such implicit faith in our Prime Minister, they need not be afraid. They need not be scared. Let them patiently wait. They are being assured by the Prime Minister that he will find a solution. I shall simply request one thing. These people having got an assurance from the Prime Minister, they have little more to say. My request is this. They will become refugees. I am cent per cent certain about that. I do not know about the few Muslims as to what they will do. So far as the non-Muslims are concerned, not a single person will like to be transferred to the citizenship of Pakistan. When they become ousted from their land, they should not be treated just like other refugees whose fate is still unknown to them. There are so many people being ousted from their land within the Indian Union itself. We hear of them every day. We hear every day of people being ousted from their home land because of river valley schemes and they number by the thousand—50,000, 60,000. The promise held out to them is that they shall get land for land and house for house. I would request the Prime Minister to treat these people in the same way so that they may not have any grievance in their heart that they remained citizens of India but they were just left to their fate in Pakistan.

I wanted to say just a few words about this transaction. Many things have been said. Many Members have accused the Prime Minister of India, the Chief Minister of West Bengal and also the Secretaries here and in West Bengal. But, we forget one thing. All this confusion, all these happenings, all this agony have flowed out of one mistake. For that, every one of us is responsible. It is the mistake committed at the time of the Radcliffe Award, that has landed us in all this trouble. At the time when Radcliffe gave his award, he described the boundary between Pakistan and India. At the same time, he also drew a line, the boundary line. These are two things to be remembered. Though the case of Berubari is such that there should not have been committed any mistake whatsoever, that mistake was committed. Due to what? Due to some confusion and certain negligence on our part. If you go through the description, you will find that the line that he had drawn, after reaching up to the corner of Pachagar thana, abruptly joins the Debiganj corner and after that, the Cooch-Behar area, which is an impossible thing so far as the geography of the area is concerned. It is on that mistake that Pakistan has raised her claim that Berubari No. 12 belongs to her. The reason is this. If you go by description itself, after Pachagar thana, there is the Boda thana. There is no mention of Boda thana in that description. After Boda thana is finished, we come to Debiganj corner. Pakistan says that if it had been the intention of Radcliffe to give Berubari Union No. 12 to India, in that case, he should have described it fully and after Pachagar, he would have stated the boundary of Boda thana and come to Debiganj, and as that has not been done, the line which directly connects the south-east corner of Pachagar thana with the North-east corner of Debiganj should be the boundary line that is laid down by Radcliffe. At the same time, another argument is advanced by Pakistan that there is some map, the Thana map which relates to 1923, which makes Pachagar Thana directly connected with Deviganj Thana, and that Radcliffe had that map before his eyes when he drew that line. If that be so, it is a mistake that was committed by those who were at that time directly connected with the Radcliffe Award business. The mistake was committed at that time, but nobody, neither the Chief Minister nor the Government of West Bengal, nor the Government of India, nor the people of Bengal, had ever cared to have this mistake corrected, and it is as a direct result of that that this confusion has arisen. Pakistan has made her claim, and we are also caught in a very difficult position. We ignored the line, that is all right, but when we come to the discription, we can proceed up to the Pachagar Thana boundary where the Cooch-Behar enclave begins, but beyond that we cannot proceed.

As the Prime Minister has stated, if we deal with the matter in an absolutely legalistic manner, we will get less than Berubari even if we stick to that description, because it is just after a few miles of Pachagar Thana, that we cannot proceed. Further from that end if we go to the north-east corner of Deviganj, we get less than half of Berubari.

Now the question arises, when there are arguments and counter-arguments on both sides: what is to be done? For all these years no solution had been found. There had been firings on both sides, the trouble had always been there. So, the Prime Minister has said it is for the good of Bengal, the people of Bengal. Thereby he means that the people of Bengal may live in peace, undisturbed. It is in that sense that this solution has been arrived at, giving over half to Pakistan, and retaining the other half with us.

The Chief Secretary of West Bengal recommended this horizontal division, and there is reason for that. If the division be vertical, we will lose both the enclaves of Cooch Behar, but by this horizontal division, we retain one of the big enclaves and sacrifice the other.

So, these are the things we should bear in mind while we discuss this matter, and it is no use blaming the Prime Minister for the mistake committed at the time of the Radcliffe Award for which every one of us is responsible. The Prime Minister has arrived at this solution with the best of intention, for the good of India. So far as this particular matter was concerned, he was in a difficult position. Even if you follow the description of the Radcliffe Award, you cannot take more than half. So, considering all these things, we support the Prime Minister, and there is enough reason to support him.

Had the matter gone to arbitration, we do not know what would have happened. Perhaps the whole of Berubari would have gone to Pakistan;

[Shri Barman].

or, we might have got less than half, while by this compromise we save half of Berubari.

My only appeal to the Prime Minister is this. He has already given his solemn word. These people are not ordinary citizens of India. They are the most backward people in Bengal. They belong to the backward communities like Scheduled Castes, and each one is a small agriculturist. These people cannot be transferred to any part of India; they can only be settled in North Bengal or Goalpara of Assam where people of their community reside. Outside this area they will never go to any other part of India; rather, they will die wherever they may be. So, I request the Prime Minister to make arrangements as early as possible to transfer these people accordingly. Of course, those who like to remain there may remain, but I know that not a single Hindu at least—I do not know about the 50 or 60 Muslims there, whether they would like to come over to India or not—would certainly like to come over. I would request him to make arrangements before actual possession is given to Pakistan.

Shri Bimal Ghose: In making a statement this morning, the Prime Minister presented a case which I am afraid does not quite agree with facts. He said the present decision is a result of the partition and a direct descendant of partition. It may be the result of partition, but I am afraid it cannot be considered a direct descendant of partition, because from 1947 to 1952, Berubari, which is the subject matter of contention in the discussion today, had always been with the West Bengal Government, and Pakistan had never raised any objection to that. In between came the Bagge Award in 1950. When that tribunal was set up, Pakistan should have raised any matter of dispute with that tribunal, but Pakistan did not raise this issue with the Bagge Tribunal. It was only in 1952 that this matter was raised by Pakistan. The question arises: if Pakistan had a claim to this part of the territory, do we mean to say that Pakistan was so foolish as not to raise it all along between 1947 and 1952. It is not quite true, as my friend, the previous speaker said just now, that this portion could be validly claimed by Pakistan. In the Supreme Court judgment it is said:

> " . . . no claim could reasonably or validly be made for the inclusion of almost the whole of Berubari Union in East Bengal on the strength of the line drawn in the map. Besides, the lacuna to which the learned Attorney-General refers could have been cured by taking into account the general method adopted by the award in fixing the boundaries."

Shri Ranga (Tenali): That is, the description.

Shri Bimal Ghose: So, between 1947 and 1952 there was no dispute. I do not understand why in 1952 the Government of India accepted the dispute when Pakistan raised it. What was the reason that we should have accepted that this territory was under dispute when the Pakistan Government raised this matter?

The second point to which I take exception is this. The Prime Minister has stated that he would not have accepted any decision without getting the consent or concurrence of the people or the Government concerned. In this matter, there is, as we all know, a lot of controversy.

Shri Ranga: Why not you sit down and speak? He is not well, Sir.

Mr. Deputy-Speaker: He can sit down and speak.

Shri Bimal Ghose: No, Sir. I will finish in five or ten minutes. Conflicting statements have been made, and it is necessary that the controversies should be cleared up. What has actually happened? The Prime Minister takes upon himself the responsibility. It is very good of him, but we in Bengal want to know what part the West Bengal Government has played in this matter.

Shri Naushir Bharucha: Very miserable.

Shri Bimal Ghose: The Chief Minister stated in the Assembly, even when he said that the Prime Minister was committed and therefore the agreement must be accepted, that neither he nor his Government nor his officers had at any time agreed to this decision. I do not understand how in the face of this we can say that the Government of Bengal had agreed to the decision taken by the Prime Minister.

There is also another point. There were many conferences, to which the Prime Minister has referred, prior to 1958. We understand that at each of these conferences the Government of Bengal had objected to the transference of Berubari to Pakistan. They said they had a very strong case and that Berubari should not be transferred to Pakistan. In the face of that, why is it that this decision was taken without referring the matter to the West Bengal Government? Why, only on what the Chief Secretary may or may not have said,—we do not know what the actual position is—should the Government of India take a decision in the matter and not refer it to Dr. Roy or the Cabinet in West Bengal as they should have done, as this is a matter which had been in dispute for a long time and the West Bengal Government had, as far as we understand, made its position known many times at previous conferences? Now, we are told that whoever might have been at fault, now that the decision has been taken, it has to be honoured. I do not know what to say to that, because the consequences are tragic, and it is very distressing to the people concerned; that people should be transferred from one allegiance to another, as my hon. friend Shri H. N. Mukerjee pointed out, without their consent, is something very objectionable and abominable. Yet, this is going to be done.

15 hrs.

Why is this done? The question naturally arises, why the Government of India agreed. I think the Prime Minister was under a misapprehension that that was only a matter of border dispute and nothing more, because, if he had known that it was not a matter of border dispute, or if he had known that there was strong objection in West Bengal to this agreement, then, I am sure he would not have agreed to that agreement. In considering that the matter was only a question of border adjustment and not a cession of territory, the Prime Minister really had not fully carried out his responsibilities. He had done something at the time when it was done, which was patently unconstitutional. We are now regularising the matter, but at the time when the agreement was effected, what the Prime Minister had done was unconstitutional and not condoned by the Constitution, and it was certainly not right for the Prime Minister to do something which is not constitutional at the time when he had done it. Of course, we are now regularising it, and, therefore, everything will be all right, but certainly it will be considered as negligence and irresponsibility on the part of the Prime Minister to have done something which in itself was an unconstitutional act, as the Supreme Court has pointed out.

If the position is that, what is to be done now? The first thing is that we should try to get this matter reconsidered. If the Prime Minister gets the authority to transfer this territory, after the Bill is passed, as probably it will be, then, he will be all the more stronger to approach Pakistan and say that 'I have full authority to transfer this land, but, on human grounds, on other considerations, or on constitutional grounds, the matter should be reconsidered and the cession should be stayed.'.

Shri Subiman Ghose: Mistaken facts also.

Shri Bimal Ghose: Yes, mistaken facts also.

If Pakistan will not agree to that, and if this land is going to be transferred in any case, then, full assistance should be given to the people whose lands will be transferred to come over to India, if they so desire, and to have them rehabilitated here; they should be given full assistance.

Finally, I have one more point only, and that is that the Prime Minister should either initiate legislation or set up a convention that any international agreement or treaty should be subject to ratification by Parliament. These difficulties arise, because the Prime Minister agrees, and our Constitution has permitted him or the Government to conclude international agreements and treaties. That is a very serious thing, and it is desirable that all such treaties or agreements should be made subject to ratification by Parliament, so that these difficulties may not arise in future.

I shall conclude by just uttering a word of warning, and that is with regard to an entirely different matter, namely the proposed railway link between East Pakistan and West Pakistan. There is a lot of objection to that proposal in West Bengal, and I wish that the Prime Minister will not come forward some time here and say that that also had been agreed to; if any decision is to be taken, it has to be taken in consultation with the people and the Government of West Bengal.

Shri M. Khuda Bukhsh: Mr. Deputy-Speaker, Sir, the time comes in the life of every swan to say his piece, and I suppose that day has dawned, as far as I am concerned.

Our Prime Minister has exhaustively stated and traced the history and origin of these two Bills that are before us. He has told us quite plainly that they are the result of quite strenuous and protracted negotiations between the two countries at different levels, and great care and thought were bestowed in arriving at these conclusions.

When the talks were held, and those conclusions were arrived at, Mr. Noon was the Prime Minister of Pakistan, representing a distinct philosophy of state-craft which favoured friendly and harmonious and more human relations between India and Pakistan. India, I suppose, saw, in those days, a beginning of a process of *rapprochement*, of coming together, and in order to help and accelerate that process, co-operated with the Government of Pakistan in the matters that were then in dispute. That was the reason why I had the temerity to interrupt our Prime Minister and ask him, in the course of his speech, 'Did that overall position that was being viewed together by the Prime Ministers of India and Pakistan include also the dispute that exists between India and Pakistan in relation to Kashmir?'.

I though that it was in furtherance of that common desire to get together that these conclusions were arrived at.

The question that one should put oneself now, to deal with this matter before the House should, I imagine, be whether the climate that was then there, which generated this common desire between India and Pakistan to come closer and settle all these disputes is still there. I submit that that has been already tested, and it has been found that that climate is not there. In respect of this very matter, I understand, and it is now common knowledge, that the Government of Pakistan was approached through the normal diplomatic channels, indicating the difficulties that India faced in giving effect to this agreement. The Pakistani President, in the course of an interview that he chose to give at the Dacca airport disclosed this fact that an approach had, in fact, been made, and he had volunteered that not only had his Government turned down the proposal, as he termed it, but also proceeded, off his own bat, to tender advice gratis to the Government of

India. It was queer diplomatic etiquette to have revealed to the world at large what was going on between the two Governments through normal diplomatic channels, that is, in private. Anyhow, they have their own standards of morality and ethics and diplomatic conduct, and we have ours. But that is the real test: whether the desire to come together still exists.

If it does not, then I wish to submit that the circumstances that led to the conclusion of what is now known as the Nehru-Noon agreement do not exist, and the circumstances have altered, calling for an examination *de novo* of the entire question and the matters under dispute. I am not a legal pundit or an expert, but I feel that the legal implications of the passage of these two Bills would be to impart finality to the borders and also to invest the borders with permanence. We have now done nothing yet to ratify the Radcliffe Award in Parliament. This is the first time that the Radcliffe Award is coming before Parliament for ratification. I submit that the Radcliffe Award was the result or was born out of a hypothesis. The hypothesis then was that the minorities shall live in their countries in peace and accord and the majorities of the two countries will treat them with generosity and respect. That was 13 long years ago. Many things have happened since then. Much water has flown down the Ganges, and also the Jamuna and other surrounding rivers in Punjab and many other places. Time has belied that hypothesis. People in the East and West Punjabs have adjusted themselves somehow and the boundary question there is not of great moment and importance. But the boundary question between East Bengal and West Bengal is of great importance. Sixty lakhs of people have come across the border to India and we have had to rehabilitate them.

Shri D. C. Sharma (Gurdaspur): How many of them have come from West Pakistan?

Shri M. Khuda Bukhsh: There, there has been a total exchange. Anyhow we do not see that. There is not much evidence of that in the proceedings of the Legislature that they disagreed or did not want the agreement to go through. Here we are confronted with this problem.

Now, when we on our own should be most concerned, anxious and eager to reopen the whole question of the East-West Bengal border, would it be wise and prudent on the part of Parliament to do something which may give a handle to Pakistan and by which we may not be able to raise that question at any future date should that be necessary? Sixty lakhs of people have come away leaving all their land. It is time that we claim all that land.

Our Prime Minister has categorically said on the floor of the House and elsewhere that he has no intention of going back on his pledged word, that India has no intention of not implementing any agreement that she may enter into. But the difficulty he referred to in his communication or talks with Pakistan is that of the human problem, that he felt distressed and agonised over the displacement of the 6,500 Hindus or 5,500 Hindus who would require to be rehabilitated again in the course of 13 years, who had, at their own instance, rehabilitated themselves under a mistaken notion that the place belonged to India and, therefore, they would be permanent residents. It was only his sensitive human feeling and mind that dictated to him to make that approach if that approach was at all made. But the unfeeling Pakistanis true to their own interpretation of the Islamic culture tradition, spirit and heritage, have come and demanded their pound of flesh; this pound of flesh they must have. They must have their pound of flesh in Kashmir; they must have their pound of flesh in the Canal Waters treaty; they must have this pound of flesh in Berubari. This pound of flesh attitude on the part of Pakistan has got to be actively resisted; this has got

[Shri M. Khuda Bukhsh]

to be sternly discouraged. We are not going to have our Prime Minister's name bandied about in airports and mentioned lightly and also unwarranted and unworthy insinuations made against him. It is time someone got up and told Pakistan where they got off. It is time that we got up and told them that they would have to take the responsibility for the border Muslims, and that they will have to give up every inch of land that the refugees have left behind in their own country. We want this question to be reopened. I am quite confident that this is a case which is unanswerable.

I would request our hon. Prime Minister to take serious note of this that West Bengal is over-populated and that it is not a question of Central Government writ nor extending to Assam and West Bengal. West Bengal and Assam are two border States. They have got many problems of their own of internal adjustments which our hon. Prime Minister cannot shut his eyes against. No doubt there are human problems that he referred to.

As far as one can see from newspaper reports he made a proposal which would have been less harmful to India and more profitable to Pakistan. They won't agree. They want their pound of flesh. They want to clinch the issue. They must have what has been agreed to between India and Pakistan. Why? It is because it is the ratification by the Parliament of India of the border which is favourable to them. That is the reason. I have said that we should deny this. It is prudence and wisdom. We are all behind our Prime Minister. He has given his pledged word. We must implement it. But, should we implement it? If this hon. House thinks that the agreement should be implemented, then the question would arise as to how it should be implemented.

There appears to be a controversy that has been raised by the West Bengal State as to the legality, the constitutionality and what not of the method of implementing the agreement. I am not a constitutional lawyer nor a legal pundit. I do not understand these finer points of law. But I say this that if anybody has evolved a better method of giving effect to the agreement—if effect has to be given to the agreement—let us have it. There can be no question of the Government or the Treasury Benches standing on their dignity and not accepting a better method. I think it will be accepted and agreed to. But, when we should be seeking to reopen the entire border question, should we do anything in this House which gives finality to those borders? That is the point which in the main I want to make.

I have mentioned that Pakistan had over the past many months been actively subverting the East-West Bengal border. The population, as you all know, is largely Muslim. I come from that area. As a matter of fact, I represent one such constituency—a Muslim majority area. I take the responsibility—and I will be borne out by official records, when I say that there has been a shift in Pakistani foreign policy. Mr. Nehru was replaced by the military janta that is ruling now in Pakistan......

Some Hon Members: Mr. Noon.

Shri M. Khuda Bukhsh: I am very sorry, Sir. I mean Noon was replaced by the military junta that is ruling Pakistan. That has to be taken note of. They have been consistently subverting the area. This shift in their foreign policy if it is allowed to interpret itself without any let or hindrance, I can assure the House that it will interpret itself in terms of hostility towards India. In these altered ciruemstances, should this House run after the mirage of Pakistani friendship?

Shri Ranga: Mr. Deputy-Speaker, Sir, I rise to express my opposition to these Bills which are placed before the House. I am glad my hon. friend from Bengal, Shri Atulya Ghosh, was free enough to say, not once but twice, that in his view the Prime Minister treated the whole of this matter in a casual manner. If criticism is needed that is good enough criticism. So far as I am concerned, I am convinced, and I think a great majority of the people also in our country are convinced that somebody has let down someone else; that the Prime Minister has let down the country. He was let down by some Chief Secretary; both of them have let down the Bengal Government and the Bengal Chief Minister. We do not know. It may suit the Prime Minister's convenience not to bother about who has let down whom. But, one thing is clear; that we do feel that the Prime Minister has let us down in regard to this matter.

15.15 hrs.

[SHRI JAGANATHA RAO *in the Chair*]

My hon. friend who has just now spoken put a very relevant question whether the Prime Minister would have been—he might have been thinking of Kashmir also at that time—as casual about Kashmir as he has shown himself to be in regard to this matter; whether he feels very strongly as everybody has given him credit for, having felt very sincerely and strongly and sentimentally and emotionally for all these people who are going to be displaced a second time. He has not shown himself to be so very weak or casual. I wonder also whether at the time he was negotiating with the Prime Minister on the other side, he was aware of the existence of so many people in Berubari, whether he was aware of their reactions and feelings, whether he had bothered at all to examine or to enquire how the Bengal Ministry and the Government and the Legislature were likely to react to the proposition he was accepting when it was placed from the other side. My hon. friend Shri Ghose has already placed some relevant facts before us. The Prime Minister was less than fair to himself and to the House when he said that he wanted the House to believe that the latest agreement had flowed from the Radcliffe Award—not even that, but—from the Partition itself. It has already been pointed out by Shri Ghose that it was never pointed out by the Pakistan Government. We might have been casual about many of these things. It has been the privilege of our Prime Minister and our privilege too to ditto him. But it has never been the habit of the Pakistan Government to be casual about these matters. They did not bother to raise it at the time of the Radcliffe Award nor at the latter re-examination by Bagge. I do not know who were the great experts who were advisers to him and on what support they had gone on with these discussions, be they secret or open between themselves and the Pakistani representatives over all these years. But we do know one thing: it was not raised by them then and on two previous occasions. It was raised on the third occasion and because of our Prime Minister's over-anxiety, as it appears to be, to reach an agreement anyhow with Feroze Khan Noon, he came to this agreement. He wants to console ourselves with the thought that if it had been sent to a tribunal, anything might have happened and it was possible that the whole of it would have gone. That is how everybody weighs the *pros* and *cons* when he has to decide whether he should go to a court or not. At some stage or the other, an individual decides that he would rather go to a court and take the risks than accept a dishonourable compromise. I consider it to be not an honourable compromise and I am extremely sorry that the hon. Prime Minister chose this method. Unfortunately for us all, and more particularly for my erstwhile friends on this side, the hon. Prime Minister has thought it fit to embarrass all of us in the country, in this Parliament and in the Assembly by bringing in the status, prestige and position, honour and all the rest of it which are associated with the great position that he

[Shri Ranga]

has come to occupy. Embarrassed as they are, I sympathise with so many of my friends. I had been with them only a year ago. It is quite possible, if I had been with them, that I would have been obliged to go through the same plight of examination and re-examination and constant searching which they must be going through. But at the same time, they will all be obliged, I dare say, to ditto what has been done, feeling all the time that he has done a wrong thing, an unpatriotic thing—though he did it not knowing that it was an unpatriotic thing at that time. I do not want the country to be placed in such an awful plight at any future date. Why has this happened? It has happened because there are political blood brothers who are ruling over the whole of this country, in all the States and also at the Centre. Therefore one cannot very well let down the other or betray the other.

Shri Tyagi: You are also a blood brother.

Shri Ranga: I said: political blood brother.

Shri Tyagi: You are a political cousin.

Shri Ranga: Of course; we are all cousins in a parliamentary democracy; that is the beauty of parliamentary democracy; we dispute here and in the evening we shake hands with each other. There was exhibited in Bengal a new type of tragedy and a new type of play-writers have come up and they have some lessons to give to Kalidasa and Shakespeare. One day they said: it is all such a tragedy and we are not going to accept; the Prime Minister had no business to do this sort of thing; we were never consulted and so on. All of them went into mourning the next day and the Chief mourner came forward and said: we cannot let down our Prime Minister; he is such a great man and all the rest of it; therefore we must accept this. Then the great majority of them went into the lobbies, I suppose, and then clapped their hands—tears as well as laughter, humour as well as tragedy—all have been woven together. That is the latest gift from Bengal histrionics and the dramatists and playwriters. Why has it happened? Because they also happen to be on the same side as my hon. friend the Prime Minister. Why has the Prime Minister forgotten his elementary duty to invite the Chief Minister or any representative of the Bengal Ministry to come and associate himself in those discussions that were held in this context? If for any reason he alone was entitled to take part in those discussions with his opposite number from the other side, he should certainly have armed himself with the presence of the representatives of the Bengal Ministry for purposes of close consultation. Then it would have been all right for him to have come and told us that the Ministry had agreed with him. It is a responsible Ministry. Then he may say: I have also taken this particular view and therefore, on behalf of both of us, I am coming before this House. He says: I have sent these Bills to them and the President had also fixed a time limit; he was good enough to extend the time limit also and it expired on the 15th December; but by that time I could get only one answer from out of those two houses and so I am satisfied that the provisions of the Constitution were duly observed; therefore, there is nothing wrong. Yet, holding the position that he does, he has not done justice to that position. This is not the way to deal with constitutionally-empowered State Governments. They are not mere provinces: they are States. They have their own, definite, allotted powers and functions to discharge. On such occasions, it is the duty of the Prime Minister here to arm himself or associate himself with their representatives but he did not do so.

Why did he fail to do this? Because he has got into the habit—they have allowed him also to get into that habit —during the last thirteen years of his prolonged tenure of office as Prime Minister (*An Hon. Member*: Not continuous?)......yes, continuous tenure of office, the habit of doing things here and then expecting the Chief Ministers to fall in line with all their friends and supporters also. So, they have come to ignore the very existence of the Constitution and the powers that have been allotted under the Constitution to the State Governments. He has been able to do things and they were willing to accept them. There were other State Governments and other occasions also but they did not have the genius that our friends displaced recently in Calcutta and so we did not hear so much about their differences in between themselves. It was all one party and where is the need to think of the Constitution?

That brings me to the next point. I am glad the Prime Minister has said that Prime Ministers may come and Prime Ministers may go but the country's interests are always there. We must always be prepared to place the country's interests much before the interests or the prestige of the Prime Minister. This instance has anyhow brought to the fore the very important lacuna in our Constitution. The Constitution-makers did not at that time think that an occasion like this would arise when the Prime Minister would be able to have his own party friends and colleagues as Chief Ministers in the States and therefore the State's autonomy would come to be practically nullified or ignored. Therefore, they did not think it necessary to make provisions on some such lines as those in the American Constitution where the President would not be able to conclude such agreements without the consent of the Senate.

The time has now come when this Parliament and the country would have to give some serious consideration to this particular matter and see to it that the future Prime Ministers, who would certainly not be so much experienced as our Prime Minister, who would not be able to enjoy the same amount of prestige, same amount of support and same amount of past services to their credit, would not be allowed to do things as this Prime Minister has done and at the same time get away with it. They may be able to get away, and it is against that that we have to ensure ourselves. For that reason, Sir, I think it is necessary for all the constitutional pandits in our country, this Parliament as well as this Government and the leaders of all parties to give serious thought to the possibility of amending the Constitution in such a manner that it would not be possible for the future Prime Ministers to deal with national issues in this manner.

Sir, some of our hon. friends have been asking for crumbs—they have been saying, please give us this or give us that. They have been saying, do something for the displaced persons and then we will feel that you have all the feelings for them and somehow we will reconcile ourselves to this proposal. It is an important consideration, I agree. I am glad the Prime Minister has given that assurance. He could not have given any other assurance in this House. Having done that, is that enough? It is not enough, according to me. Some time ago he made the mistake of telling this House that there are no trees, no human beings, no huts, no jhopadies etc. But that was flung on his face later on b the representatives of the other country that was giving us all the trouble. Therefore, whether there is a blade of grass or not, the question is, is it our sacred soil? If it is our sacred soil, then we have to safeguard it, we have to protect it and keep it with ourselves to the best of our ability. That is exactly where the Prime Minister, according to me, has failed.

All this does not mean that I would like to associate myself with some of the harsh statements and bad sentiments expressed by some of our hon. friends in regard to our neighbouring country. Therefore, I am one with the others, I am one with the Prime

[Shri Ranga]

Minister and the Government, in trying to maintain friendly relations with Pakistan. We would like to be friends with Pakistan. But surely, it should be done in such a way that it does not do any harm to our own vital interests and our vital interests are protected in such a manner that it would be consistent with our pursuit of friendship with our neighbour Pakistan and her leaders.

Lastly, I wish to express my gratitude to the patriotic and spirited people of Barubari and also to all those courts there as well as here who have raised this problem to the national level and reminded us all that it was wrong for the Prime Minister to have thought that he was only getting into that kind of an agreement in succession to all the other agreements that have been reached and Berubari was only a part and parcel of the earlier illogical agreements or decisions, and that even the possibility of parting away with Berubari could be taken up not merely as an Act of this Parliament but as an amendment of the Constitution.

In conclusion, Sir, I am very happy indeed that this opportunity has been given by the Supreme Court to this Parliament to remind itself and remind the Government and the Prime Minister that it is wrong for them to be thinking about these things in such a light hearted manner as to assume that they could do all these things and then get them ratified by an Act of this Parliament. No; they cannot do these things. They will have to come to this House and obtain the consent of this House for a constitutional amendment by the special procedure that is prescribed in our Constitution. I do hope that when the next opportunity comes for this Parliament, after it gets the next mandate from the people, it would not be possible for the Government, whatever Government there may be, to get a similar amendment passed, pass this kind of an amendment in such an easy manner as they seem to be able to do on this occasion. This would be the last occasion, and I can only say—I can't wish the hon. Prime Minister good luck—that the Prime Minister is extremely lucky in having come with this Bill to this Parliament and not the next Parliament.

Shrimati Renuka Ray (Malda): Mr. Chairman, Sir, I do not want to enter into any of the constitutional or legal matters that have been raised in the House in detail. It goes without saying, it is an undisputed proof of the fact of the Supreme Court judgment, that the Bill that is before us is there because the Constitution needs to be amended before we can implement the Nehru-Noon Pact. But the consideration that, above all, weighs with us today—not only, I think, with the people of West Bengal, but it must be something that weighs with the people of India, and it has weighed this morning with the Prime Minister—is the humane consideration. Are we justified in dealing with the people of Berubari as dumb driven cattle? That is the question. They are nationals of India. Many of them are twice refugees. Are we not going to see to their interest first? That, I think, is the paramount, the most important point that this House has to be seized of today.

I am glad that the Prime Minister has given the assurance which surely is the best that can be done that those people who are nationals of India, who are citizens of our land since independence can come over even if they lose their territory, and I hope that they will be given the same economic status that they were holding, the same consideration and the same kind of living which they enjoyed, because it is not their fault that without their consent this is being done.

Sir, it has sometimes been asked—not in this House, but perhaps in the lobbies—why the people of West Bengal are becoming so emotional about this issue. I would say, it is not the amount of territory that is going now that is important but the whole sequence of things has to be considered. Again, when Independence came West Bengal lost nearly two-third of her territory, and today it almost becomes the last straw on the camel's back. It wou'd be an emotional matter for anybody. If it had happened in Madras, I am sure it would have become an emotional matter for the people there. If the people of Madhya Pradesh had to lose two-third of their territory at the time of Independence and something more now, it would have been an emotional matter to them. It would be an emotional matter to all of us in this House if we were near that place and if we could only sense the feelings of the people whose territory is to be given over. I am sure the whole of India does understand that feeling. I would, Sir, with due respect, say that the Prime Minister himself understands the human consideration involved in this, and that that is the paramount consideration today. It is on that issue alone, Sir, that I rise to speak.

I speak because in spite of the assurance that has been given to us that the refugees will be rehabilitated the sorry story of rehabilitation since partition in India so far as East Bengal refugees are concerned does not give us that feeling of assurance unless something very special is going to be done for these persons who are going to lose their nationality once again, for a second time, through no fault of their own. I, therefore, hope that this House and the Government wi'l give proper consideration.

Shri Barman mentioned that these people in the Berubari Union are of a particular type, they are agriculturists living in a particular way, and that to uproot them and to expect them to settle down helter-skelter anywhere will not be of much use. They must be guaranteed settlement on equal footing, on the same social and economic conditions that they were enjoying so long. Otherwise, such assurances do not go very far. Not so long ago, in this House an assurance has been given that those who are uprooted in Assam would be rehabilitated in a proper manner. We hear many statements. Those who are working in Assam, the constructive workers who have gone from outside, say a different thing. What do they say? What do they say about the rehabilitation that is taking place there? I would ask who are those people who have to go to West Bengal? It is said that if any of them refuse to return to Assam, in spite of the fear that they have, then they will not be rehabilitated and they will lose all their rights for rehabilitation. Therefore, it has become a very paramount and important question, a moot question, which I wou'd request all hon. Members of this House on all sides to bear in mind in the midst of all this trouble.

When the Prime Minister makes an agreement, when the prestige of the Prime Minister, which is the prestige of India, is involved, then it behoves on us, whether we may like it or not, —and obviously we do not like it— whether it is some thing which is done on the spur of the moment or not, to accept it, and honour the agreement that our Prime Minister has concluded with a foreign country. It may be questioned and it may be said that opportunities did arise— and more especially an opportunity arose—when a new Government, not through the way of evolution but through a revolution came to Pakistan, and when treaties which had been made earlier did not really stand. But this opportunity to abrogate the treaty was not taken and it would be spilt milk to discuss that matter today. It is not much use discussing it. It might also have been said that there are many other things which have been brought forward to cloud the issues. Yes; they have been. But the fact remains

[Shrimati Renuka Ray]

that since the word of India is plighted through the Prime Minister of the country, and since that word is plighted in this manner, we have to accept it. It is only the Prime Minister himself who, understanding our feeling, may still explore ways and means through which, in an honourable manner, it may be possible to prevent the transfer of this part of the Berubari Union. In any case we must have a guarantee that these nationals of India, who will otherwise be treated like cattle, must be given those considerations, which are real, in the matter of resettlement.

About rehabilitation, as I said, there is much that can be pointed out, especially the attitude towards the eastern region of which I have great experience. But I will say only this. If this problem is pursued in the same manner as was followed formerly, it will lead to nothing. It will mean merely that they remain nationals but as refugees who have lost their social and economic position, and that must be avoided at all costs.

I do not want to make a long speech. I have not entered into any constitutional or legal argument though there may be many cogent and valid reasons. At this stage I feel that it is the humane considerations which we have to remember. We must honour not only our words but our deeds that I got up to speak today on this Bill.

Shri A. C. Guha: Mr. Chairman, Sir, at the very outset, I would like to make it clear that I have stood up here in support of the two Bills. It has been mentioned both in this House and elsewhere also that the prestige of the Prime Minister has been involved. I do not look into this question from that point of view. If at all any question of prestige or honour is involved, that is the question of the prestige of India. India is a mature nation; and as a civilised, mature and cultured nation, she has to implement any international obligations entered into by the executive. It is the inherent right of the executive to enter into international obligations all over the world.

I am surprised that a suggestion from the other side has been made to the effect that for all these things, the ratification of Parliament would be necessary. In certain cases surely they come before Parliament, but there are a number of international agreements, insignificant and significant, and for all these the Government cannot wait for the ratification of Parliament. This is a case which has come before this House for the ratification of Parliament.

I am fully conscious of the implications of rejecting the two Bills. It means the overthrow of the Government and I think no Member of this House, even those from that side of the House, would suggest that this is an occasion for which the Government should be or can be overthrown. Therefore, I say that I stand to give my full support to these two Bills.

But while giving my support to these Bills, I have also a word of criticism and caution to be put before this House and through this House and through you to the Government and the country at large. There has been some criticism about the attitude taken by West Bengal in this matter. Some hon. Members from West Bengal have already dealt with this matter. It may be said that West Bengal has been emotional, but Nature has made it so. I generally do not like to invoke the name of God, but still, I should say that Nature has made the Bengalis what they are. If we accept that Bengalis or West Bengal has an element of Indian nationhood, you must accept also what they are by Nature, and what they are by temperament and what they are by their tradition and custom. So, if Bengal has felt over this matter sorely and bitterly, she must express that feeling and give expression to that feeling. That is the democratic right enjoyed by every citizen in this country. In referring to that aspect, I must also say how I feel over the matter. If Bengal has felt intensely over this matter, it is quite appropriate for Bengal to have been so, and to have given expression over this matter.

So, I do not feel that there is anything fundamentally wrong about the feeling or the manner in which that feeling was given expression to in Bengal or in the Bengal Legislature. But, when the question of ratification of the agreement comes—and indeed when it came—the Chief Minister of West Bengal made it quite clear that he stood by the agreement. He had made the position of West Bengal clear before the Government of India. If the Government of India has felt that this agreement had to be implemented, surely West Bengal must stand by it.

Let it not be said in this House that we the Congress Members from West Bengal are giving our support to this Bill simply in our submission to the Party whip. I would say that —and I think—the leader of the Party gave sufficient indication that if any Congress Member from West Bengal wanted to abstain from voting on this occasion, he would not mind it. But then it is not a question of any ethical or religious scruple. It is a political issue, and as Members of the Party, coming from West Bengal, we swim or sink with the Party. If it is a political issue taken by the Government or the ruling Party, we should stand by it. So, it is not a question of any Party—the Party we belong to—whip compelling us to vote in favour of this ratification of the agreements. We vote through our political conviction because, as Members of the Party we stand by the Party and we think it is proper to do so.

Having said all this, I have my own criticism about the agreement itself. There may be criticisms from two angles specially: about the contents or the merits of the agreements and also about the procedures. The Radcliffe Award at least in the eastern region has always followed the thana. No Thana or police station has been divided. They have followed the division on the basis of a thana and demarcation has always been followed on the lines of the boundaries of a thana. In this case, it would be peculiar if Radcliffe would have decided to partition a particular thana and give the whole of or a portion of a union in that thana to Pakistan. If there has been some mistake in the description, that mistake should have been due to the peculiar topography of that particular thana. It is a sort of enclave surrounded on almost three and a half sides by Pakistan territory. It might not have been properly explained to the Radcliffe Commission while he drew the line on the map and put it in Pakistan. There was also some lacuna in the description, which my hon. friend, Shri Barman, has explained. I think the Members coming from the other sides would not realise all these details;—it is a small strip of land. Anyhow, the description, on the whole, was in our favour, but the map was against us. But taking a common sense view, it might have been argued that Radcliffe has never divided any thana as far as the eastern side was concerned; the line has always gone thanawise. In this case also, he must have meant that the line should go thanawise.

Moreover, we are handing over 11 square miles of territory in excess to Pakistan. We are getting some enclaves from Pakistan whose area is 18 square miles. We are handing over to Pakistan the Cooch Behar enclaves and the area of those enclaves would be 29 square miles. So, we are giving 11 square miles more to Pakistan. The whole of Berubari would not be more than 8 square

[Shri A. C. Guha]

miles. So, it should have been argued, if Pakistan would have a reasonable frame of mind, that since we are giving 11 square miles more, Berubari may be adjusted against that.

The question about Berubari started from 1950 and since then the West Bengal Government have repeatedly intimated to the Central Government their opposition to the surrender of Berubari. Some papers have been circulated to the West Bengal Assembly by the West Bengal Government. I find from a paper report that in 1950, 1951, 1952, 1953 and on several occasions the West Bengal Government wrote to the Central Government opposing the transfer of Berubari to Pakistan. I learn that even the Chief Minister wrote to the Prime Minister here opposing this transfer. So, knowing the opposition of the West Bengal Government, the Central Government or the Prime Minister should have made some serious effort to get this adjusted with the 11 square miles of excess territory which we are surrendering to Pakistan in exchange of the Cooch Behar enclaves.

On a previous occasion I said that in almost all our agreements and negotiations with Pakistan, we have followed a policy of appeasement and surrender. I think the words may sound somewhat harsh to the Prime Minister, but I think most of the Members even on this side would endorse the view that we have been somewhat soft to Pakistan in our dealings, with the idea that Pakistan's friendship would be achieved by this. We earnestly desire to be friendly with Pakistan, but what is the friendship we have been getting? I cannot imagine the Head of the State mentioning like that in a casual manner in the aerodrome. Any nation with a sense of dignity would not have gone to that length. Only the other day, in Indonesia, the Pakistan President said that India has been doing damage and harm to Pakistan. This is the friendship we are getting. It should be made clear that the writ of the Government of India runs throughout India. In all discussions for agreements, they become intransigent. Where they agree, we also agree. But there may be certain points where they become stiff and they do not agree. Those points are not settled. That was the case of the 12 thanas of Sylhet district and they have gone to Pakistan. I think according to the Radcliffe award, it is reasonable for India to demand those 12 thanas. I do not know what has been done about it.

The Radcliffe Commission went beyond its own jurisdiction and authority in awarding Chittagong hill tract to Pakistan. In 1947, in reply to some question, there was some announcement from the Treasury Benches that a Cabinet Committee had been set up to examine the issue. In Chittagong hill tract, 97 per cent were non-Muslims; only 3 per cent were Muslims.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): 99·9 per cent were Budhists.

Shri A. C. Guha: That has been given to Pakistan. According to the terms, it was not exactly within the jurisdiction of the Radcliffe Commission, because it was not a regularly administered area. It was some sort of a feudal or native State. I do not know what has happened to that Cabinet Committee or whatever it was, which was formed to go into that question.

In this agreement under discussion, we have surrendered a small strip of land in Tripura, which is undoubtedly Indian territory, because there was some difficulty about railway communication in East Pakistan. So, we have surrendered a small strip of land, about 3 acres. I do not mind that, but there is a similar strip of land, for want of which we have to construct our Assam railway link. Bharungamari is a small strip of land connecting the old railway line from Gitaldah to Assam. If this strip of land was given to us, our railway connection would have been so easy from this side to Assam. But because this strip was not given, we have to construct that costly and risky Assam railway link and almost every year lakhs of rupees are required for repair of that railway line. These are the points against the pact in itself.

As for the procedure, I have already stated that the West Bengal Government mentioned its objection to the transfer of Berubari. While dealing with this matter here, the Prime Minister should have taken care to consult the Bengal Government. He has stated in this House:

> "It would be very wrong for me or for any Government to deal with a matter of this kind ignoring the State Government."

Just consulting in a casual manner some officials found on the spot is not consulting the State Government, particularly when the State Government not only once, but on several occasions made it clear to the Central Government that they were opposed to the transfer of Berubari. I think the West Bengal Government can have a genuine grievance that the West Bengal Government was ignored in this matter and was not properly and formally consulted. Some officers might have given their consent. I do not know. But if they had given their consent, the Prime Minister should know that they simply went out of their jurisdiction, so give the consent on behalf of the State Government. Officials do not constitute the State Government.

In this connection, there is a discrepancy between the West Bengal officers and the Commonwealth Secretary in their respective notes.

16 hrs.

The note of the Commonwealth Secretary is also not very categorical. He only said that Bengal officials thought the proposal as a whole was practical. So, there was no mention about their agreeing to Berubari. Moreover, I think in dealing with an international agreement, it is very dangerous to depend on the oral version of officials. They are the past masters in speaking in the language of Delphi's oracles, which may be interpreted in any way according to the circumstances or situation that may suit them.

Here I should say there are some points in favour of this agreement. I am glad that Shri Hiren Mukerjee or some other hon. Member on that side referred to Hilli. According to the interpretation of the Radcliffe's Award there is some doubt about Hilli. In this negotiation, there was a sort of tie between Hilli and Berubari. It may be argued that if we lose Berubari, we gain Hilli; if we gain Berubari we lose Hilli. If it is a question of making a selection between Hilli and Berubari, I think every hon. Member of this House from West Bengal—belonging to any party—will say that Hilli is much more important not only in area but in many other respects like communication, industry, commerce and so on. So, if at all it is a question of choosing between Berubari and Hilli as to which to retain, everyone in Bengal will say that Hilli should be retained in preference to Berubari.

Shri Tyagi: Could we retain Hilli?

Shri A. C. Guha: That is a point in favour of the agreement.

Shri C. K. Bhattacharya: Allow me, Sir, to make one remark. Radcliffe's Award does not make any gift of any portion or part of Hilli to Pakistan. That is the correct interpretation.

Shri Tyagi: Anyway, Hilli is with us.

Shri A. C. Guha: Hilli formed part of the discussion in this conference also.

Before concluding I should say that the Prime Minister has stated that sufficient arrangement will be made for the rehabilitation of those who will be affected and who will have to be evacuated from Berubari. I am sure that almost every Hindu family will leave Berubari and come to India. So, immediately money may be sanctioned so that construction work may be speeded up. Then, if Berubari is to be given, it is better that we give it as soon as we can. We would not like to prolong the agony, prolong the irritation, and give a handle for agitation. So, if Berubari is to be given, it should be given as soon as possible and immediately rehabilitation work should be started. I am told there is some vacant space in North Berubari which is not so developed. That should be developed. Bengal Government have spent a few lakhs of rupees on the development of south Berubari, which is going to be surrendered to Pakistan. I think that money will have to be compensated. One word more regarding Railway corridor to Pakistan. The respective States should be properly consulted before any decision is arrived at.

Mr. Chairman: The hon. Member may please resume his seat, as he has already taken more time. Shri Subiman Ghose.

Shri Subiman Ghose: Mr. Chairman, this Constitution (Ninth Amendment) Bill not only raises a legal aspect but creates a dangerous precedence. Before I say anything on it, let me first refer to the background of the agreement. We know that the Radcliffe's Award was given on the basis of which India was divided and Pakistan was born. There were some anomalies and some confusion in the Radcliffe's Award and so to clear them the Bagge Tribunal was appointed. At the time of the constitution of the Bagge Tribunal both the States, India and Pakistan, were asked to give their points of dispute. So far as Berubari is concerned, Pakistan never raised any dispute in the year 1950 when the award of Bagge was given. Thereafter, we are told, in the year 1952 Pakistan raised a dispute regarding Berubari; rather, Pakistan did not raise the dispute but we allowed Pakistan to raise the dispute.

16.05 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Because, everything has been settled on the basis of Radcliffe's Award and Bagge Award. So, Pakistan should not have been allowed to raise any dispute regarding any territory of India and we could have summarily rejected their claims. But, instead of doing this, consistent with our policy of appeasement, we allowed the dispute to drag on and, ultimately, on the fateful day of 10th September 1958 we met and, according to the Supreme Court, made a gift of Berubari to Pakistan.

Regarding this dispute the two Prime Ministers met in Delhi on the basis of the Radcliffe's Award, though that matter should not have been allowed to be agitated like that. But that was allowed to be agitated and Pakistan demanded Berubari on the basis of the Radcliffe's Award. We entertained that claim and we wanted to discuss this matter. Then we take up the position that the Prime Ministers of Pakistan and India met to interpret the Radcliffe's Award, on the basis of which some portion of Berubari was given to Pakistan. Thereafter, when the question arose how to give it, it is, I think, not a question of fact or law, as mentioned in article 143, but a question of procedure, how to give it. Then the Supreme Court came to the conclusion that it is not on the basis of the agreement but is something else, something new, which is a cession of territory, which is giving away of territory to Pakistan.

If that is the state of things, how can it be said that it is on the basis of the agreement of 10th September 1958 that we are dealing with this Bill, or going to deal with this Bill, for the cession of territory by the Government of India to Pakistan, when it was not anticipated by the Prime Minister of India when this was talked about between these two Prime Ministers. It was never anticipated then. Therefore, new circumstances cropped up and we can very well now say, as our Supreme Court says, that this is not due to any confusion regarding Radcliffe's Award, it is something new, a cession of territory which we never intended. Hence, this matter should be reviewed in the context of the judgment delivered by the Supreme Court. Here I will read some portions of the judgment of the Supreme Court. On page 6 it says:

> "There is no dispute that since the date of the Award Berubari Union No. 12 has in fact formed part of the State of West Bengal and has been governed as such."

Therefore the claim of Pakistan regarding Berubari is illusory. Thereafter on page 15 the Supreme Court said:

> "We have carefully considered all the clauses in the Agreement and we are satisfied that it does not purport to be, and has not been, reached as a result of any interpretation of the award. . .":

Then on page 16 they say:

> ". . . .this Agreement must, therefore, be considered on the basis that it involves cession or alienation of a part of India's territory."

Therefore if we take the legal aspect, we find that we entered into an agreement on the basis of mistaken facts. But when it transpires that the basis is baseless, when there is no basis and something new crops up, is it too late in the day that we cannot review the matter in the context of the judgment?

In an agreement there are two parties required. In view of the judgment of the Supreme Court, we are ceding a territory, or, to put it clearly, we are donating or making a gift of this territory to Pakistan.

Shri Vajpayee: Bhoodan.

Shri Subiman Ghose: Have we asked Pakistan whether they accept this position? Have we told Pakistan, "You do not have a semblance of a right over Berubari, but it is a cession of territory"? Have we told them that? What is the position that has been accepted by Pakistan if at all we have referred that matter to them? If Pakistan says, "We are not going to take a gift from you; we claim it as a matter of right", there is no agreement. There are no two parties. We are making a gift of territory which is absolutely a one-way traffic, if Pakistan does not accept that position.

My second contention is this. Today in his opening remarks the hon. Prime Minister very kindly said that we are ready to welcome the refugees. Naturally, when we met with such a situation when there was the division of India and Pakistan was born, we also assured the refugees like this. But ultimately we thought that they are our burden and they had to be sent to Dandakaranya. We are giving expression to a pious wish. I read the joint communique of the Prime Ministers dated the 12th September, 1958 wherein not a word has been said that if the people there become refugees we are quite ready to welcome them; rather, we have given them homilies that we are giving you to Pakistan, you become Pakistan nationals. We are practically dealing with human beings as if they are chattels.

I think history repeats and repeats perhaps with a vengeance. Here in Delhi we have seen that in the old days one Tughlak king in his wisdom thought that the capital should be transferred from Delhi to Deogiri and retransferred from Deogiri to Delhi. We have seen that occurred in history.

[Shri Subiman Ghose]

Perhaps that is being repeated after so many decades. We have once made these people refugees. Those refugees have come there and have settled there. I have personally gone there and seen their condition. They are living there very happily. The lands are very fertile. But again we have done something in indecent haste without calculation. We have done something because of which again the refugees are becoming refugees. They are bound to leave their hearth and home and come into West Bengal which has reached the saturation point. We have practically kept the Sealdah station open for them. I do not know what *modus operandi* will be adopted by the Government. It is absolutely certain that these people will be refugees. They will come here. If this Bill is passed, regarding which I have absolutely no doubt, we should say in which way and in which manner we want to rehabilitate them.

I want to press another point. We are creating a very dangerous precedent. We are now giving a territory. We are opening the floodgates. We are not perhaps writing the last chapter of history. India will go on, and Prime Ministers will come. If some Prime Minister comes and in his wisdom thinks that the whole of Bengal should be donated to Nepal to create a buffer state between Pakistan and India, ...

Shri Jaipal Singh: A good idea.

Shri Subiman Ghose: ......where is the bar? If we pass this Bill, we are creating a bad precedent. If we cede territory, we are opening the floodgate. Whenever it will be necessary, we shall give some territory to our neighbours and we shall purchase peace. Perhaps this is a forerunner of giving some territory to our good neighbour China. Already they have come to Kurseong in Darjeeling and neighbouring area. Kalimpong is infested with Chinese. We have to keep a close watch over them. Bengal is a very suitable place for donation. On the basis of this, there is no bar to donate that portion of Bengal to China for purchasing peace.

Shri Tyagi: Why do you think of Bengal alone?

Shri Subiman Ghose: It is because it is the neighbouring State; it has a neighbour China; it has a neighbour Pakistan.

An Hon. Member: U.P. is there.

Shri Subiman Ghose: I submit, in this way we are opening the floodgates and we are creating a very bad precedent.

Another point is, this Bill, to my mind, is also *ultra vires* of the Constitution. The President referred the Bill to the Supreme Court as to how to implement the Agreement. The Supreme Court, instead of giving that advice, assumed something that it is cession of territory and the Supreme Court gave advice how to cede territory regarding which nobody was prepared. That point was not placed before the Supreme Court. Nobody was prepared for that argument. Because, in the Constitution, Directive Principles, article 51 says that we shall encourage settlement of international disputes by arbitration. Nowhere does the Constitution say that by negotiation we shall settle disputes. If we think that that is inherent in the Government, then we are going too far by saying that by ceding territory we shall settle international disputes. That is not the intention of the Constitution. The Constitution is meant for the whole of India. The Constitution is not meant for a part of India, and some of the citizens have to be excluded. The Constitution is not meant for that. The Preamble of the Constitution begins with these words: "We, the people of India, having solemnly resolved . . ." I think in that way also, it militates against the Constitution, and it would be better if we take the Bill out of the House and after mature deliberation bring a fresh Bill.

Shri Jaipal Singh: I have no desire whatever to quibble over all the juristic arguments that have been fully searchlighted on all sides. I have only two points of view. One is whether we are men of honour, whether, if we give our word, we keep it, regardless of who does it. Whoever does it in the name of the country, once he has committed us in the name of the country, even if he is wrong—I am perfectly certain in my mind he has been very wrong not only this time, but several times before, and I shall list them—we have to honour it. He is entitled to commit us in the name of the country. He is not only the Leader of this House, he is the Prime Minister of this country, he commands a very clear majority. I feel I would be wrong not to endorse what he has wrongly done. I would like to oppose him, I would like to convert him to another point of view, but that is just not possible. He has committed himself and the ruling party is making it a matter of prestige, party prestige, whereas he has made it a question of individual prestige. He says: I have done this, stand by me, or do not have me.

I do not belong to Treasury Benches. I certainly do not want to lose the hon. Member from Phulpur. This country must not lose him for many years to come. He may make many mistakes, he has made stupid mistakes in the past and I shall list them in a few minutes.

When the Radcliffe and Bagge awards and various other things were being discussed, I requested him on the floor of the House, and he assured me in writing that he would take up by negotiation the restoration of the Chittagong hill tracts, where you have, you still have, 99 per cent non-Muslims, mostly Buddhists. Has he done anything? No.

What about the States Reorganisation Commission? He commits himself. My hon. friends like Shrimati Renuka Ray can come here all the time telling us of Bengal making sacrifices. Bengal, Bengal—nobody else is making sacrifice, only Bengalees are making sacrifices for the freedom of the country. I want to ask them: have they not made the sacrifices at the expenses of the Adivasis? Did they not think that by giving away a chunk of the Chittagong hill tract, they might get a little more on the Moorshidabad side?

What about Purulia? In the States Reorganisation, did not the Prime Minister commit himself to Dr. Roy? Did not Dr. Roy demand: unless you give a little bit of Purulia, everything will go red, and I will have to hand the whole of West Bengal on a platter to my worthy friend, very worthy friend, Prof. Mukerjee? Is that not the position? When you come to a situation . . .

Mr. Deputy-Speaker: There is one thing that I might just bring to the notice of the hon. Member. There is greater freedom in the American Congress to move about for the Member who speaks. (*Laughter*). I am not joking. We have established these traditions that the Member sticks to his seat, remains just near about, and I would like, because the hon. Member has been a member of the Panel of Chairmen as well, to tell him that perhaps the practice is very wholesome and very good for our country and we should stick to it.

Shri Jaipal Singh: I hope my time will not be taken away.

Mr. Deputy-Speaker: The passage at least should be kept clear.

Shri Jaipal Singh: If you will forgive me, may I remind you that we are following the practice of the House of the Commons, and there I can go to that table and address you? However, I am in India, and I abide, by your ruling and stay here, but surely

[Shri Jaipal Singh]

you want to hear whatever I can present more comfortably. If I move half an inch this way, I do hope you have no objection. The point is this. I am not worried whether we are giving away so many square miles of territory. My friends talk of it as a human problem. To me, it is not a question of a human problem as such. The biggest blunder has already been made, and it was not over a human problem. What was the basis of Partition? It was a national principle. Have we, or for the matter of that, have Pakistan honoured it? Where is the notional principle in this? If it is a notional principle, Berubari must not be ceded. For, is it by any stretch of imagination, Muslim? On what basis have we partitioned the country? Take, for instance, the Chittagong Hill Tracts; then, there are the Garo Hills, then there is the Mymensingh district and so on; I can go on multiplying them.

An Hon. Member: Bengal also.

Shri Jaipal Singh: Yes, Bengal also. The whole question is made easy. But we have got to be very clear in our mind, because today we have a leader, and an undisputed leader, who definitely and genuinely, much more than most of us, desires peace. We talk of peace, but we do not mean it in our heart of hearts. Therefore, he genuinely wants even to do, shall we say, wrong things in the hope that there will be peace. There was the question of Tibet. The *Panchsheel* was born of Tibet. What happened to him?

The question is this. To me, it is a much bigger issue, not merely of Berubari or anything else; to me, the whole question is this. Hereafter, when similar situations arise, has the Prime Minister of this country any right, and should he be given any right, to concede or to give away territory or human things or anything like that, or even to get some territory from the other side, without some limitation? That is, to me, the bigger issue. Supposing today, for example, the hon. Member from Phulpur, who happens to be the Prime Minister, were to say, all right, let the whole of East Punjab go to West Pakistan, because it will be in the interest of peace, has he any right whatever, because he has a majority on that side? To me, it is a matter of the technique, of the *modus operandi* of parliamentary democracy? That is really what is worrying me, because when he comes round here and says, I have committed my country, then all of us, it does not matter whether we belong to the ruling party or to the Opposition, have to honour our pledges. On that, I have no doubt whatever. Once he had committed himself, there is no redress in Parliament. Unfortunately, the present picture is that he can bull-doze through anything, even a horse-and-four can ride through the Lok Sabha. To me, that is the issue, whether hereafter, such a thing is going to be allowed. We know what is going to happen. The biggest victims of Berubari are going to be the Adibasis of the Dandakaranya area.

My hon. friends talk of rehabilitation. Are they going to rehabilitate them in West Bengal? Make no mistake. It is the poor Adibasis, in Bastar, it is the poor Maharaja of Bastar who will be maligned and vilified and kicked about all over the place. Where are they going to be rehabilitated? Shrimati Renuka Ray is not going to rehabilitate them; she is not going to give half an inch in West Bengal.

Shri Tridib Kumar Chaudhuri: Does my hon. friend know that among the inhabitants of Berubari, there are also poor Adibasis numbering about six thousand?

Shri Jaipal Singh: I am glad to find that one Bengali, at least for a charge, is shedding tears for Adibasis. This is the first time it has happened.

Shri C. K. Bhattacharya: We do not shed crocodile tears.

Shri Jaipal Singh: I have tried to protect the Bengalis. They know how much I have protected them against Biharis. The Biharis are here. And yet these Bengalis talk light-heartedly as to what I have done to protect the Bengalis. It is very easy for them, for some *ex*-Minister and somebody like that to talk lightheartedly. I am not making an issue of this. I welcome this term 'hapless human beings' or 'Helpless human beings' as they call them, but they forget that there are other human beings also. The ruling party have been making a mockery of the Maharaja of Bastar. Why? Have they ever thought of it? It is because he will not have any truck with the ruling party. Believe me, I was in Bhopal only recently; the only grievance that they have, unless they mean something other than what they say is that he is a mad man. Why? It is because he does not support the Congress.

Sir, I am sorry; but that is the only thing I have to make.

Mr. Deputy-Speaker: I thought he was supporting the Congress just at this moment. (*Interruptions*).

Shri Jaipal Singh: The Congress is bound to be kicked out at one or two places. Let them not dispute that fact. And 1962 is coming. I am a great friend of theirs. But I am not a hypocrite like some of my friends who may....

Mr. Deputy-Speaker: Order, order.

Shri Jaipal Singh: I will support anybody I like to support. It is not any....

Mr. Deputy-Speaker: It is not fair to say that there are some hon. friends who are hyprocites or something like that.

Shri Jaipal Singh: I am only stating a fact.

Mr. Deputy-Speaker: Then I can only say he is mistaken.

Shri Jaipal Singh: Sir, I accept my mistake. I have made many mistakes in my life; as I grow I become wiser. I seem to have made people laugh. I did not mean to do it. It is a very serious problem.

From the parliamentary point of view the only thing which concerns me is the point whether hereafter any Government ought to have the right to commit the country to the fact of cession of territory or for the matter of the acquisition of territory. I put it both ways. Because if we accept that it is a *fait accompli* and it is only a matter of *dasturi* just to bring it before the House and let all of us say, 'Yes or No', then, I say that is a travesty of the parliamentary form of democracy. That is my real problem.

Unfortunately, I shall not be here tomorrow This House would have seen how I would have expressed my point of view when it came to the vote I cannot afford to be in Delhi tomorrow I have got to be elsewhere.

Then, I know Shrimati Renuka Ray knows what is going to happen in Calcutta (*Interruption*). It is very easy to talk of democracy. Many speeches have been made here because they know what is going to happen tomorrow in Calcutta, and the rest of West Bengal. (*Interruptions*). Should we call it just a party issue or an issue of loyalty to the party? Is not loyalty to the country much more important than loyalty to the party? That is the point that really confronts me.

So, all that I would like to say to my friends over there—all of them are my friends—I somehow see a picture where they are deaf and not dumb. They do not want to hear what everybody else is saying. They do not want to hear what the people of West Bengal are saying. But they are not dumb. They tell, your country first. I do not know what democracy stands

[Shri Jaipal Singh]

for. I can understand if they are deaf and dumb. That I can understand. But when they are deaf but not dumb, that is the position I do not understand. I again repeat I stand by the Prime Minister... (*Interruptions*).

Shri Tyagi: Sir, we are glad that it is so.

Shri Jaipal Singh: ....because he has the courage to tell this House that he has committed this country to a certain thing and we must be men of honour and men of our word.

Shri N. R. Ghosh (Cooch-Behar): Mr. Deputy-Speaker, Sir, I come from a constituency within which this Berubari is situated and I owe it to my constituency to speak a few words on their behalf. On the 9th September, 1958 at night I got a telegram that a certain portion of Berubari might go to Pakistan. I tried to contact the Prime Minister but I could not. Next day in connection with a debate on rehabilitation I spoke in this House about this and I told the House that there were about ten thousands refugees living there and it would be a very great tragedy to them because they had come to Berubari as refugees from Pakistan. That as refugees from Pakistan, they rehabilitated themselves and they are again going to be uprooted. That would be an unparalleled tragedy. I join issue with some of the speakers who say that Berubari was a doubtful case for us. I was associated with the Supreme Court case and I attended that case every day. The Attorney General tried to show that Berubari according to the Award might go to Pakistan and he said all that could be said on behalf of Pakistan but he could not commit the Judges. It was mathematically demonstrated that before a court of law Pakistan had not got any case and that it would be cession of territory pure and simple. Shri Barman is wrong because the description which prevails definitely indicates that the territory is part of Inida. There are a few fixed points which are mentioned in that description, then there is a gap. Shri Barman is right in saying that there is a gap. But that gap is to be filled either by drawing a straight line or by drawing the thana line to the other fixed point mentioned. The thana line was all along accepted by Radcliffe in his award. Even if you draw a straight line, even then only one-fifth of Berubari goes. But the map was drawn wrongly and according to that only a portion of Berubari comes to India. But the description prevails over the map. That was the position and in a court of justice it could be clearly proved that Pakistan had absolutely no tenable claim to Berubari. Unfortunately now there are bigger questions and other complications involved. I know these places. If you give half of Berubari to Pakistan, then two big chunks, two big tracts of Indian territory become enclaves and these two tracts of land also automatically go to Pakistan, if Berubari is divided. Therefore, you are not only giving half of Berubari; you are also giving these two big tracts of land. Over and above this is the Lion's share in the "Enclaves". It is a tragedy and there is no doubt about it in the least. The pill need not be sugar coated.

I always feel, even now I feel that our Prime Minister was not properly posted with the facts. If he knew that this was affecting a large number of people and it was creating a great human question and that about 10,000 people were going to lose their nationality or would become refugees again, I believe he would have adopted a different course of action. Centainly he would have put forward these points and he would have said: we do not mind giving you about 10 or 12 square miles more in the enclaves but do give up your claim to Berubari. That would have been done or some other alternative could be found. So, the people who are responsible for briefing the Prime Minister were wrong. I contracted two of them the next day or the day after. They tried to convince me that this half and half division was a good bargain. I do not say that they were not sincere in their belief but there was want of study in their discharge of the duties. You will be astonished to hear that even the Deputy Commissioner of Jalpaiguri in whose territory Berubari is situated, did not know about it. If they had been consulted, then the Prime Minister would have known that these questions involve the fate of about 12,000 refugees. It might have changed the whole shape of the thing.

I had occasion to study all these things and I had to scrutinise the documents from the lawyer's point of view and I have not the least doubt in my mind that in a court of justice Pakistan would have no claim. That is of no avail now. But what I feel is I have repeated it in this House again and again—that our approach to Pakistan is wrong.

Well, I mentioned on other occasions there was a tract of land in Tripura, that was ours. The Pakistan railway line goes through this tract through our territory. I can fully understand that our Prime Minister would give it up at the request of Pakistan. That would be perfectly fair. But, then we had a similar problem so far as Bharunga Mari is concerned. I was one of those who placed the case before the Commission. We said taht if Bharunga Mari in Rungpur is not given to us our railway line would be cut off. In the Radcliffe Award it is mentioned that these difficulties may be solved by negotiations. Have we ever negotiated on these points? When they wanted that strip of land in Tripura for their railway line, did we make any counter claim? Losing Bharunga Mari we are actually going to Assam in a round about way which increases the distance by nearly 150 miles. Why did we not, why do we not ask for that strip of land so that we can go to Assam through a straight route?

The ex-Advocate General of Assam, he is a friend of mine, showed me the papers and maps in connection with partition of Sylhet. According to him and according to my humble opinion they have a very good case, a very strong case with regard to twelve thanas of Sylhet now wrongful possession of Pakistan. Why do we not make any claim in regard to that. We are simply holding the shield in our hand we are always in the defence. We never press our claims. We are fighting shy of someting. Of what? I think that is wrong.

If you correctly interpret the Radcliffe Award we have not a very good case in respect of certain territories now in possession of East Pakistan. But we are not pressing our claims. We are always entertaining the claims of Pakistan even belatedly made and even fantastic. I submit that is not honourable on our part and that is not fair. It never pays.

Having said all this, I would submit that this belated claim of Berubari might have been rejected, this belated claim could not have been agreed to by our Prime Minister if he only knew that it was not just or that, so much of human misery was involved in it. But there are other bigger questions which have now cropped up. Our Prime Minister has given his words. There are other issues connected with it. It is a political issue. We shall have to stand by him. There is not the least doubt about it. But, at the same time, let this House feel, let our Prime Minister know that it has been a great tragedy to the people of Berubari, it has been a great injury to West Bengal. I am not concerned with what the West Bengal Government or its officers have done. It is a controversial matter because that is not relevant or useful. But I think, Sir, in these days people cannot be simply made over to another country like chattel. I believe, civilisation has progressed too far to accept this approach.

[Shri N. R. Ghosh]

But whatever has been done has been done. Now it has become a political issue, and perhaps there is no way out of it. But in our future dealings with Pakistan I would pray to our Prime Minister to press our legitimate claims in respect of the hill tracts of Chittagong. When I pressed this claim before the Commission I was stopped from doing that as being outside the Reference to Radcliffe. As a matter of fact, because the Cooch Behar enclaves do not come within the jurisdiction of the Radcliffe Award there is a fair case for us to say that so far as the Chittagong hill tracts are concerned they are also not within the jurisdiction of the Radcliffe Award. Why should we not press our claim?

Shri A. C. Guha: Or send it to arbitration.

Shri N. R. Ghosh: If we place our claim, then there is a way of doing things. I do not agree that negotiation is not a good thing. I say negotiation if unsuccessful is a step towards either going to court or to arbitration. We can press our just claims but we never mention anything as if we are afraid of something. I think that mentality which prompts us to fight shy of asserting our just rights and our too easy capitulation is not dignified on our part. We are afraid; we always try to appease. Such appeasement, such capitulation in the name of purchasing peace is something which is bad and immoral. It never does good, either to as who seem to love to appease or to Pakistan who are sought to be appeased. I would submit that all these aspects should be seriously taken into consideration.

It is clear that we shall have to make a sacrifice in our giving away half of Berubari. The partition itself will cause great difficulties. I know personally the Berubari area. It is only a few miles from my house and it is within my constituency. I have seen it and I have travelled in those parts. If you try to divide it horizontally, I feel it is almost impossible. But, if there be good sense and reasonableness on the part of Pakistan officials, we may try to find out a way. You may divide it not exactly but irregularly or something like that. There may be a way for doing it. But I submit that the people in any case will face great hardship and will be rendered miserable, and the Centre must take the entire responsibility for their relief and rehabilitation. It is not in any case the fault of the people there.

For over 12 years, they have been Indian nationals. They have voted thirce, and by their votes people have been elected to Legislative Assembly and to this Parliament. Two Members are here because of their votes. They have also contributed to it. They have sent Members here on two occasions. I think that the Centre must make special arrangements for the rehabilitation of these people and, if necessary for paying them compensation. It is not possible that all of them could be rehabilitated in the portion which will be retained by us, because, it is not the people of Berubari alone but the people who are residents in the new enclaves who have also to be rehabilitated as they are also going to be made refugees. If anybody thinks that there is any possibility of a single Hindu living there, which will go to Pakistan he is then living in his own paradise, and I believe there is no sense in such pious wish. All of them shall have to go away, and already fear and sense of insecurity have started there.

One hon. Member said that the agreement has got one good feature, namely, we have got Hilli which was disputed. I do not know whether Pakistan had any sort of real claim to Hilli. I have studied this question, and I take the responsibility for saying that they have no real claim. I have studied the award, the maps and all the relevant documents. Maybe that they had put forward a claim to

Hilli area, but that claim was absolutely bogus. The award definitely rules out such a claim. Therefore, by the agreement we have not been gainers in any sense. If some country makes fantastic claims and then give them up, that is not really giving up anything. I would submit that by these agreements Pakistan has been unduly benefited. There is not the least doubt about it, and the people of Berubari are the worst sufferers on account of this. They are all poor people and we should have some commissioner for them.

In spite of all this, this Bill is to be supported because of the plighted word of the country, because of the much bigger issues. As a political issue, we shall have to stand by the Prime Minister in this matter.

श्री वाजपेयी : उपाध्यक्ष महोदय, नेहरू नून समझौते को वैधानिकता का जामा पहनाने के लिए यह विधेयक हमारे सामने प्रस्तुत किए गए हैं। प्रधान मंत्री जी ने अपने प्रस्ताविक भाषण में नेहरू नून समझौते की जिस पृष्ठभूमि पर प्रकाश डाला है उससे एक ही निष्कर्ष निकलता है कि पाकिस्तान के साथ सीमा पर जो हमारे संघर्ष होते थे उनको टालने के लिए यह समझौता किया गया। दूसरे शब्दों में हम सीमा पर शान्ति चाहते थे क्योंकि पाकिस्तान गोली वर्षा करता था, भारत की सीमा का अतिक्रमण करता था और वहां गोली वर्षा होती थी तो यहां स्थगन प्रस्ताव रक्खे जाते थे जो प्रधान मंत्री जी के लिए सिर दर्द बनता था और शायद उन से बचने के लिए पाकिस्तान से एक समझौता कर लिया गया। उस समझौते में इस बात का भी ध्यान नहीं रक्खा गया कि प्रधान मंत्री के नाते उन्हें भारत की भूमि को किसी दूसरे देश को सौंपने का अधिकार है भी या नहीं। सर्वोच्च न्यायालय के निर्णय से यह स्पष्ट हो गया है कि प्रधान मंत्री जी ने बेरूबाड़ी को पाकिस्तान को सौंपने का निर्णय कर अपने अधिकारों का अतिक्रमण किया। उन्होंने संविधान की अवहेलना की।

संविधान में आज जैसा रूप है वह कल तो कुछ बदलने वाला है। आज की स्थिति में हम भारत की भूमि का कोई हिस्सा किसी को दे नहीं सकते। उस में दूसरे देश के किसी भाग को मिलाने की व्यवस्था की गई है, देने की व्यवस्था नहीं की गई है। हमारे प्रधान मंत्री जी कहते हैं कि यह संसद् सर्वोच्च है। इस के हाथ में प्रभुसत्ता है। हम अगर चाहें तो दे सकते हैं। मेरा निवेदन है कि लोकतंत्र में प्रभुसत्ता का निवास जनता में रहता है और जो बात मैंने प्रातःकाल कही थी उस को फिर दुहराना चाहता हूं कि यह संसद् और इस के सदस्य जिस संविधान के अन्तर्गत चुन कर आये थे उस में वे अपनी भूमि के किसी भी क्षेत्र को किसी को देने का अधिकार नहीं रखते। प्रधान मंत्री जी भी यह अधिकार नहीं रखते। अगर आप समझते हैं कि भूमि का दान देना चाहिए तो फिर इस के लिए आप को फिर से जनता के पास जाने की आवश्यकता है। इस प्रश्न के ऊपर आप सारे देश की जनता का विश्वास प्राप्त कर के दिखाइये क्योंकि यह प्रश्न केवल साढ़े ४ मील का नहीं है, १२००० व्यक्तियों के फिर से बेघरबार हो जाने का नहीं है, यह प्रश्न एक बड़े सिद्धान्त का है। क्या भारत के प्रधान मंत्री अपने अधिकारों का अतिक्रमण करके भारत की भूमि किसी दूसरे देश को देने का अधिकार रखते हैं? अब संविधान में कहा गया है कि सरकार संधियां कर सकती है। अगर संविधान की भाषा का सम्बन्ध है तो सरकार को यह अधिकार है लेकिन क्या हमें नये लोकतंत्र की दृष्टि में नई परम्पराएं नहीं डालनी चाहिएं? क्या संसद को इस सम्बन्ध में विश्वास में नहीं लिया जा सकता? प्रधान मंत्री जी ने कहा कि

[श्री वाजपेयी]

हम ने पाकिस्तान से जो भी समझौता किया है वह हम ने आकर संसद् को बताया कि क्या हमने समझौता किया लेकिन क्यों पहले समझौता कर लिया गया और संसद् को विश्वास में नहीं लिया गया और बाद में संसद् के सामने पेश कर दिया गया कि इसे आप स्वीकार कर लीजिये या ठुकरा दीजिये और ठुकरा आप सकते नहीं क्योंकि प्रधान मंत्री जी की प्रतिष्ठा दांव पर लगी हुई है। कभी यह प्रतिष्ठा बेरूवाड़ी को पाकिस्तान को देने के काम में लाई जाती है तो कभी प्रधान मंत्री जी की प्रतिष्ठा उत्तरप्रदेश में दो बड़े चुनावों में हारे हुए व्यक्ति को उत्तर प्रदेश का मुख्य मंत्री बनाने के काम में लाई जाती है। प्रधान मंत्री जी ने प्रेस सम्मेलन में ठीक कहा था कि मेरी प्रतिष्ठा जरा ठोस तत्वों की बनी हुई है। मेरा निवेदन है कि यह किसी प्रतिष्ठा का सवाल नहीं है। जब सर्वोच्च न्यायालय ने फैसला दिया कि बेरूवाड़ी का देना यह सीमा का विवाद नहीं है। बेरूवाड़ी कोई इनक्लेव नहीं है। यह तो भूमि को देना है भारत की भूमि को देना है। प्रधान मंत्री जी कह सकते थे पाकिस्तान से कि मैंने आप से एक समझौता किया था सीमा पर शान्ति स्थापित करने के लिए मगर सर्वोच्च न्यायालय का फैसला हुआ है कि मैं यह समझौता संविधान को बिना बदले नहीं कर सकता और संविधान को मैं बदलूंगा नहीं। मेरे हाथ संविधान से बंधे हुए हैं। भारत में लोकतंत्र है, संसद् है, संविधान है। यह पाकिस्तान नहीं है जहां कि १३ साल में चुनाव नहीं हुए जहां कोई संविधान नहीं है जहां के कि तानाशाह कलम की एक नोक से अपने देश की तकदीर का फैसला कर सकते हैं। प्रधान मंत्री जी कह सकते थे कि मैं वैधानिक लोकतंत्र का प्रधान मंत्री हूं और इसलिए जिस रूप में मैंने समझौता किया था सर्वोच्च न्यायालय के निर्णय के बाद उस की पृष्ठ भूमि बदल गई है और यह मेरे हाथ में नहीं कि मैं बेरूवाड़ी उठा कर आप को दे दूं। प्रधान मंत्री जी यह कह सकते थ। इस से प्रधान मंत्री जी की प्रतिष्ठा कुछ बढ़ जाती, भारतीय लोक तंत्र का मुख उज्जवल हो जाता और आज बेरूवाड़ी को देने का सवाल पर जो संकट पैदा हो रहा है उससे भी हमारी रक्षा हो जाती। मगर प्रधान मंत्री जी ने कहा कि अगर मुझे अधिकार नहीं है तो मैं संविधान बदल दूंगा। संविधान क्या है? यह एक खिलवाड़ हो गया है। यह संविधान में नवां संशोधन किया जा रहा है और संशोधन किया जा रहा है भूमि को देने के लिए और ऐसी भूमि जिस पर पाकिस्तान ने १९४७ के बाद कभी दावा नहीं किया। जैसा अभी अन्य सदस्यों ने कहा कि रैडक्लिफ एवार्ड में बेरूवाड़ी हमारे हिस्से में आता है क्योंकि वह ऐवार्ड थाने के हिसाब से चलता है। ऐवार्ड में यह भी लिखा है कि अगर नक्शों में और ऐवार्ड में जो व्याख्या दी गई है उस में कोई मतभेद हो तो व्याख्या को माना जायेगा नक्शों को नहीं माना जायगा।

बागे ट्रिब्युनल के सामने भी बेरुबाड़ी का सवाल पाकिस्तान ने खड़ा नहीं किया। कानून की दृष्टि से भी हमारा पक्ष प्रबल है। मगर प्रधान मन्त्री जो समझौता चाहते थे इसलिये बेरुबाड़ी दे दिया। उन्होंने पश्चिमी बंगाल की भी उपेक्षा की। यह ठीक है कि हमारे संविधान में प्रान्तीय विधान मण्डल से पूछना जरूरी है, उसकी राय के अनुसार चलना जरूरी नहीं है मगर मैं निवेदन करना चाहता हूं कि समय आ गया है जब यह संसद् इस बात की परम्परा डाले कि केवल राज्यों के विधान मण्डल से पूछा न जाय बल्कि उनकी अनुमति से फैसला किया जाय। आज तो केन्द्र में जिस पार्टी का बहुमत है पश्चिमी बंगाल में भी उसी पार्टी का बहुमत है मगर एक दिन ऐसा भी आ सकता है कि केन्द्र में किसी पार्टी का बहुमत हो और किसी राज्य में किसी दूसरी पार्टी का बहुमत हो। अगर उस स्थिति में आप संविधान की इसी धारा को लागू करें कि हम केवल

विधान मण्डल की राय लेंगे उसके अनुसार चलेंगे नहीं तो संवैधानिक संकट पैदा हो जायेगा। केन्द्र में और राज्य में संघर्ष होगा। देश की एकता की रक्षा नहीं होगी। संविधान की भावना के अनुसार हमें चलना चाहिये। अगर हमारा देश एक संघात्मक शासन के अन्तर्गत है, फेडरल कांस्टीट्यूशन है, राज्यों के अपने अधिकार हैं और उन अधिकारों का विभाजन किया गया है वैसे मैं स्वयं फेडरल स्ट्रक्चर के पक्ष में नहीं हूं लेकिन जब तक हम इस संविधान को बदलते नहीं तब तक हमें राज्यों के विधान मण्डल की राय की कीमत करनी चाहिये। आज तो पश्चिमी बंगाल में कांग्रेस का मन्त्रिमण्डल है। वह मान लेते हैं। उनका बहुमत है, उन्हें स्वीकार करना पड़ता है मगर कल्पना कीजिये किसी दूसरी पार्टी की सरकार होती तो क्या नतीजा होता? फिर सारे देश की प्रतिष्ठा का और प्रधान मन्त्री के सम्मान का क्या बनता? आवश्यकता इस बात की है कि सरकार बेरुवाड़ी के प्रश्न पर देश में जो संकट उत्पन्न हो गया है उससे शिक्षा ग्रहण करे। कांग्रेस दल का बहुमत है, बेरूवाड़ी तो जायगा, यद्यपि मैं आशा करता हूं कि संविधान में संशोधन करने के बाद भी और बेरुवाड़ी को पाकिस्तान को देने का अधिकार प्राप्त कर लेने के बाद भी इस बात का प्रयत्न किया जायगा कि पाकिस्तान को समझाया जाय कि भारत और पाकिस्तान की मित्रता के हित में यह नहीं है कि बेरूबाड़ी पाकिस्तान को दे दिया जाय। क्या मित्रता का तरीका पाकिस्तान के सामने झुकना है? क्या दोनों देशों की सद्भावना का आधार ६००० लोगों को घरबार से उजाड़ना हो सकता है? हम पाकिस्तान को इस तरह से खुश करके क्या शान्ति स्थापित कर सकते हैं? १३ साल के देश के विभाजन के बाद का इतिहास साक्षी है कि पाकिस्तान को दी गई हर एक अनुचित सुविधा पाकिस्तान की भूख को बढ़ाने का कारण होती है। हमने देश का विभाजन माना। जिन परिस्थितियों में किया वह आज परिस्थितियां नहीं हैं। हमने पाकिस्तान फले फूले इसके लिये क्या नहीं किया? मगर इसका प्रन्युत्तर हमें पाकिस्तान की ओर से क्या मिला? पाकिस्तान से हमारे सम्बन्धों में सुधार होना चाहिये मगर सुधार के लिये भारतीय हितों का बलिदान किया जाय इस नीति से मैं सहमत नहीं हूं। पाकिस्तान को अनुचित सुविधाएं देकर हम उसकी मित्रता प्राप्त कर लेंगे इस मुगालते में भी हम को नहीं रहना चाहिए। नहरी पानी समझौता किया। पाकिस्तान उसके लिये हमें धन्यवाद नहीं देता। वह काश्मीर पर अपने दावे को पुष्ट कर रहा है।

नहरी पानी समझौते के सम्बन्ध में भी संसद् को विश्वास में नहीं लिया गया। अभी सीधी रेल चलाने की बात हो रही है उसके सम्बन्ध में भी संसद् को विश्वास में नहीं लिया गया। सरकार संधियां करने का अधिकार रखती है लेकिन अगर सरकार चाहे तो ऐसी परम्परा डाल सकती है कि सारी संसद् अगर नहीं तो संसद् में विभिन्न दलों के जो नेता हैं उनकी एक समिति का निर्माण करके उनको इस सम्बन्ध में विश्वास में लिया जा सकता है। हम हर एक बात में ब्रिटिश हाउस आफ़ कामन्ज़ की नकल करें, संविधान की भाषा के अक्षर के अनुसार जायें, यह हमारे देश के लिये ठीक नहीं होगा। हम लोकतन्त्र का आरम्भ कर रहे हैं। हमें नई परम्परायें डालनी चाहियें।

17 hrs.

मुझे यह देख कर निराशा हुई कि प्रधान मन्त्री जी ने अपने भाषण में एक शब्द भी नहीं कहा कि बेरूवाड़ी को देते समय सारे तथ्य मेरे सामने नहीं थे, मुझे पूरी बात नहीं बताई गई थी, मैं समझता था कि यह सीमा का विवाद है, मैंने अनुभव नहीं किया यह भूमि का देना है—सेशन आफ़ टेरीटेरी है और इसलिये मैंने दे दिया, मेरी ग़लती हो गई। प्रधान मन्त्री जी ऐसा कह सकते हैं।

[श्री वाजपेयी]

इससे उनकी प्रतिष्ठा और बढ़ेगी । एक ग़लती हुई है । अब उस ग़लती के अनुसार अगर बेरूवाड़ी जाता है, तो हमें यह अनुभूति होनी चाहिये कि भविष्य में हम इस प्रकार की और ग़लती नहीं होने देंगे ।

कभी कभी मुझे लगता है कि विदेश मन्त्रालय शायद हमारे प्रधान मन्त्री को छोटी छोटी बातों के बारे में ठीक और समय पर परामर्श नहीं देता । पथरिया जंगल का सवाल खड़ा हुआ था । प्रधान मन्त्री जी से पूछा गया कि पथरिया जंगल का एक हिस्सा पाकिस्तान को दिया जा रहा है, वहां कितने लोग रहते हैं, तो उन्होंने कहा कि वहां कोई रहता नहीं है । जब उनसे कहा गया कि वहां कुछ लोग रहते हैं, तो उन्होंने कहा कि रहते तो हैं, लेकिन मुसलमान हैं । मैं यह प्रधान मन्त्री के उत्तर में से बता रहा हूं । जब उनको कहा गया कि मुसलमान नहीं, वहां हिन्दू भी रहते हैं, तो उन्होंने कहा कि रहते होंगे, मैं पता लगाऊंगा । मैं समझता हूं कि छोटी छोटी बातों तक जाने के लिये शायद उन को समय नहीं होगा, लेकिन उनके जो सलाहकार हैं, जो विदेश मन्त्रालय है, उन्हें छोटी छोटी बातों के सम्बन्ध में भी उन्हें पूरी जानकारी देनी चाहिये, क्योंकि कभी कभी छोटी छोटी बातें दृष्टि से ओझल हो जाती हैं, इसलिये बड़े और ग़लत फ़ैसले हो जाते हैं ।

उपाध्यक्ष महोदय : क्या माननीय सदस्य और समय लेना चाहेंगे ?

श्री वाजपेयी : जी हां, मैं कुछ तो और कहना चाहूंगा ।

उपाध्यक्ष महोदय : तो फिर वह कल अपना भाषण जारी रख सकते हैं ।

17.03 hrs.

ASSISTANT SUPERINTENDENTS' EXAMINATIONS*

Shri P. K. Deo (Kalahandi): Mr. Deputy-Speaker, Sir, in this debate I do not hold any brief of any individual, but I take this opportunity of having some ambiguity clarified. This debate relates to the Assistant Superintendents' Examination which was held in 1959 under the auspices of the Union Public Service Commission. In reply to my question No. 1275 during the last session the hon. Deputy Minister replied that all the qualified candidates of the 1955, 1957 and 1958 examinations had been absorbed as Assistant Superintendents. He further stated that a final decision had been taken in this regard so that all those who had qualified in the 1957 and 1958 examinations had been taken and no one had been left over. According to this decision all those who qualified in 1959 also should have been taken in as Assistant Superintendents, but I beg to submit that there has been a departure from the pronounced policy of the Government which they have followed since the inception of the departmental examination.

Let us see what is the character of this examination. From the various records and in view of the fact that so far, whosoever has qualified in this examination or has secured 45 per cent of the marks, has been absorbed. I find that the character of this examination is qualifying. It is not a competitive examination or a competitive test. I beg to submit that a wrong notion has been created in the mind of the Minister that the character of the examination is competitive and the list of qualified candidates which is published, lapses every year. But, that is not a fact. My contention has been further corroborated by the fact that the left-overs of 1955 have been

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*Half-an-Hour Discussion.

absorbed in 1958. It goes to prove that in 1955, all those candidates who qualified in the examination could not be absorbed because there were no vacancies and later, when vacancies arose, they were automatically absorbed. If it was a competitive examination, there was no question of declaring 292 candidates as qualified in 1955, when the vacancies were only 20. From this, I beg to submit that the contention of the Minister is not consistent with the realities.

Similarly, a list of all the qualified candidates in 1959 should have been published and they should have been absorbed as vacancies arose. But, this has not been done in 1959. There has been a partial publication of the list of qualified candidates. Only a list of 78 candidates has been declared, even though, as a matter of fact, many more than 78 have been qualified and have secured the requisite marks or had qualifications prescribed by the U.P.S.C. The withholding of the publication of the full list has created a good deal of disappointment and frustration in the staff. That is but natural.

In reply to part (c) of my question, the Minister stated that the recommendations for appointment on the basis of the examination held by the U.P.S.C. is made at their discretion and the Government do not interfere. I do not expect that the Government should interfere. Rather, we are anxious that the independence of the U.P.S.C. should be maintained at every cost. At the same time, I beg to state that the facts stated by the Minister are far from truth. We are given to understand from reliable sources that the U.P.S.C. has intimated to the Ministry that the list of 78 candidates which has been published as a result of the 1959 test is not exhaustive and they can further go down in the list and submit full details of the qualified candidates to the Ministry if a reference is made to the U.P.S.C. by the Home Ministry. The result of he non-publication of the entire list of qualified candidates has led to these following things. Firstly, all those candidates who have qualified themselves in the 1959 examination and who have been officiating in the superior posts for all these long years, have been reverted and secondly, they have been subjected to repeated examinations every year. That means, they will have to appear in the same examination every year even though they passed the examination in 1959. That would be the result of the non-publication of the whole list of qualified candidates in 1959. Naturally, their preparation every year for the same examination will dislocate their household affairs and may ultimately affect their efficiency. It is also very awkward to ask the Assistants to prepare themselves for yearly examinations like their children preparing for their school examinations, even after passing and qualifying themselves.

I do not want to interfere with the independent character of the U.P.S.C., but at the same time I request that a reference be made by the Home Ministry to the Commission to publish the entire list of the candidates who have qualified themselves in the 1959 test, and that they be absorbed when vacancies arise. I do not say they should be absorbed all at once, or that it is incumbent on Government to absorb them all together, but as and when vacancies arise, they may be absorbed. By this I do not think any administrative problem will be created. Rather, it will help matters and create confidence in the staff, as they will know where they stand.

For these reasons I request the hon. Minister to clarify the position. There is absolutely no occasion for him to disagree with the suggestions I have made.

Some Hon. Members *rose*—

Mr. Deputy-Speaker: Only Shri Shukla has given prior notice.

Shri Harish Chandra Mathur (Pali): I have.

Shri Tangamani (Madurai): I have sent a slip.

Mr. Deputy-Speaker: They are not put down here. Yes, Shri Mathur, if he has given notice.

Shri Harish Chandra Mathur: I do not consider it to be a happy thing to have to advocate the cause of members of the staff in the Secretariat. It is not at all a healthy thing. But this question came before the House in the form of a certain principle, and I wish to remind you and the House that while discussing the U.P.S.C. Report on 5th September, 1960, I had referred to this matter and pointed out how unjust and inconsistent Government had been, and how the U.P.S.C. had acquiesced and fallen in line with the Government. My friend, the hon. Minister, objected to my accusing the U.P.S.C. for this, but, as I submitted at that time, my main objection was that if the Ministry wanted to take a very inconsistent and unjust point of view, I had at least expected that the U.P.S.C. would stand out and act independently.

Mr. Deputy-Speaker: The hon. Member desired to put a question or two. Now he is making a speech.

Shri Harish Chandra Mathur: This is just the background in which my question will have to be framed. Otherwise, I would not have even participated in this.

Mr. Deputy-Speaker: My only difficulty is: if the background is so long, the question would be longer still.

Shri Harish Chandra Mathur: I might assure you I will take only two minutes.

If what my hon. friend who has just now spoken has stated is correct, that the U.P.S.C. had not taken that attitude at that time that the Commission has now written to the Ministry that the list is not exhaustive and that it is prepared to release the entire list of qualified candidates, then the whole aspect changes. Then it becomes a straightforward matter so far as I can see it.

Now my question comes, and it is only three lines. If it is so as has been given out by my hon. friend that the U.P.S.C. does not insist on this and that the list could be released as it should be, as in the past, may I know why all the qualified Assistants are not being absorbed as was done as a result of the previous three examinations? Why is there any inconsistency? Secondly, why should the list of all the qualified candidates not be released, and why can they not be absorbed, as was done on the three previous occasions? How is the matter different, if the U.P.S.C. does not stand in the way?

Shri Tangamani: If the left-overs of the two examinations in 1955 and 1957 were absorbed later, as per Home Ministry's Order No. M.4|47|57|CSS| 24th July, 1958, why could the same procedure not be adopted for the 1959 examination?

What is the action proposed by Government to remove the anomalies, in the light of the views expressed by the House on 5th September, 1960, when the report of the U.P.S.C. was discussed here?

What is the objection of Government to maintaining a waiting list of those persons who had passed the 1959 test, for absorption as and when vacancies arise?

Is it true that the U.P.S.C: is prepared to release the list of qualified persons, in addition to the 78, already submitted in regard to the 1959 test?

If normally qualified persons are to sit again and again in the test, will it not constitute injustice, and if so, why should they not be exempted from new tests?

Shri Morarka (Jhunjhunu): I want to seek a clarification from the hon. Minister on one point, and then I want to put a question. The clarification that I want to seek is this. Is it a fact that candidates who appeared once in the examination and had passed, because they could not be absorbed, had to appear in the examination next year? And is it a fact that even though in the subsequent examinations, they had failed twice or thrice, still, on the basis of the first examination, they were absorbed? If that is so, then what is the point in having the subsequent examinations? That is the clarification which I want. I want to know whether that is a fact.

The question that I want to ask is this, namely why in respect of the candidates who appeared in the examination in 1959, the list has not been published. What is the demand of those candidates? Is it not that they only want that a similar list be maintained, and as and when vacancies arise they be absorbed? If that is the demand, why should the hon. Minister think that this demand is unreasonable, and why is this request not granted?

Shri Vidya Charan Shukla (Baloda Bazar): My point has been touched upon by Shri Morarka, but I would like to say that two specific questions must be clearly answered by the hon. Minister to remove the doubt from our minds. The first point is whether the full list of the candidates who qualified in the 1959 examination has been given to the Home Ministry or not, or whether the U.P.S.C. are holding back a part of it, and if they are holding back, whether they are holding it back on their own volition or at the express will of the Home Ministry.

The second point is what particular objection the Home Ministry has in maintaining a waiting list of people who have qualified in the examination so that they could be absorbed as and when vacancies arise in the future.

Shri Thanu Pillai (Tirunelveli): May I know whether there has been a change in the policy of appointing Assistant Superintendents. In 1955, there was a waiting list kept; probably, in 1959, there might have been a change, or the qualifications might have been better, namely that only the persons getting the first few ranks might have been appointed. If that is so, has any decision been taken by Government in this respect, and if so, when?

The Minister of State in the Ministry of Home Affairs (Shri Datar): A number of questions have been put to me, and I shall try, within the time at my disposal, to clarify the whole position. In the first place, I may point out that there is no question of a candidate qualifying in the normal sense of the term. Let us understand this point very clearly. This is a departmental examination.

Shri Thanu Pillai: We do not understand it.

Shri Datar: I am making that clear. The hon. Member will understand it if he follows me for some time. If the hon. Member starts with a preconceived notion, then, I cannot help. Let the hon. Member follow what I am saying.

This is a departmental examination held for the purpose of having on what is known as the Regular Temporary Establishment List a number of persons, whose percentage also has been fixed, according as the vacancies arise. I may point out in this connection that we have what is known as a Regular Temporary Establishment of Assistant Superintendents. They formerly belonged to Grade III.

17.19 hrs.

[MR. SPEAKER *in the Chair*]

Now, the two Grades, namely Grades II and III have been combined. But that does not make any distinction, so far as this question is concerned.

Whenever we had to take in the names on the Regular Temporary

[Shri Datar]

Establishment List, then, there were two methods that we followed, in regard to selection. We took, firstly, from what is known as the seniority list. We have a selection board which takes into account the seniority and rejects those who are unfit and then a list is prepared of half the numbers, so far as the RTE List is concerned.

In respect of the other list we have got what is known as the departmental examination. And, the departmental examination is held by the U.P.S.C. at our instance. Formerly, the departmental examination consisted of certain written tests, then a personality test and then also the assessment of the work of every candidate on the basis of the personal or confidential records. This is point No. 1.

The second point is that in such cases we find out what is the probable number of vacancies that are likely to be filled in. If this point is appreciated, much of the misapprehension will disappear. It is not the question of......

Shri Thanu Pillai: May I put a question, Sir......

Mr. Speaker: Let him finish.

Shri Datar: Let me finish. Let them put questions later.

Mr. Speaker: Let the hon. Minister finish and then the hon. Member may put a question. The hon. Members may note down the points.

Shri Datar: All the hon. Members have already put their questions, a number of questions.

Shri Rajeshwar Patel (Hajipur): You are introducing a thing which is not a fact....

Mr. Speaker: All that I will say is this. This is not the way in which to put things. I will not allow hon. Members to interrupt. Let them note down their particular points.

Shri Morarka: All right, Sir.

Shri Harish Chandra Mathur: We shall be happy if the hon. Minister answers the questions that we have put.

Shri Datar: I know the nature of the questions that have been put to me. The first point that I was trying to place before the House was this. It is not like an ordinary examination where the whole list of qualifying candidates has to be published. This is a departmental examination and the number of persons to be taken in is approximately settled first and in some of the notifications, the U.P.S.C. even mentions those numbers. But what happens is this. We take in a larger number in view of the fact that there are more vacancies. So, hon. Members would appreciate that it is not possible to absorb all the qualified candidates. Marking is not a matter for us; it is entirely within their discretion. For the written test and in the personality test—which has now been abolished since 1959 and for the assessment of the personal record, the U.P.S.C. lays down certain marks and on that basis they prepare the list and certain names according to our requirements are submitted to us. If, for instance, we require only a certain number, then naturally the whole list need not be sent at all.

Sometimes, what happens is this. We mention the approximate number in the notification and say that the number of seats to be filled in the RTE is 20 or 30 and so on. The U.P.S.C. gives a list which consists of this number plus something more for the purpose of ascertaining whether we can absorb more persons. These examinations were held in 1955, 1957, 1958, 1959 and in 1960 also. In 1955 we found that we could absorb far more than what the U.P.S.C. had given us. We took some more persons immediately. Some persons were left over. The hon. Member here asked me whether a candidate who had appeared once at one examination can again appear.

Shri Morarka: The question was this. A candidate who appeared and passed in the first examination was not then absorbed. He appeared subsequently. But he failed in the subsequent examination and yet on the basis of the first examination, he is absorbed.

Shri Datar: These examinations are held like this, they have been held four or five times. In 1955 the U.P.S.C. gave us 290 names.

Mr. Speaker: The simple point seems to be this. These people have gone round and circulated some memorandum and so on. Examinations were held in these years and lists were published. There is no quarrel about the 50 per cent basis. A list was published in 1955 and some were absorbed immediately. There was a surplus and they were taken over later. Similarly, let us say, 1957 list also was completed. Now, there is a surplus from 1958 and 1959 list. A rule has been framed that hereafter no lists will be published and only those candidates who are selected will be absorbed. The only point seems to be this. They want that those names which have been published till now should be absorbed. In the future, if you do not like, do not publish or publish the names of those for whom there are vacancies immediately. As a compromise, I would suggest to the hon. Minister that he need not put himself to the difficulty of publishing all the names and creating expectation in their minds that they would be absorbed. That is for the future. So far as the existing surplus is concerned, they may be absorbed.

Shri Rajeshwar Patel: There are no surplus that way. In the previous years 45 per cent was the qualifying marks. They indicated to the U.P.S.C. that they needed so many. The U.P.S.C. gave them 192 names and they absorbed the 192.

Shri Datar: Because in that year we can do so.

Shri Rajeshwar Patel: There was only one case of one person....

Mr. Speaker: Each year examinations are held. Are they not held?

Shri Rajeshwar Patel: The surplus would be only if the result is published in entirety—the result of the 1959 examination. The unfortunate part of it is that a kind of intimation has been given to the U.P.S.C. not to publish the entire list which they were doing before and which was the practice with the U.P.S.C.....(*Interruptions*).

Shri Datar: That is not the correct position. The hon. Member has been making certain statements which are not correct.

Mr. Speaker: My feeling is that a compromise can be effected. This year an examination may be held and the number of persons qualified may be published. There may be vacancies only for 50. Hitherto the qualifying marks were given. It was said that if a candidate got 40 per cent he will be considered qualified.

Shri Datar: Qualifying marks are never given; they are inferred by the candidates.

Mr. Speaker: We will assume it is so. But the names of those persons who have qualified, whatever may be their marks, are published.

Shri Rajeshwar Patel: It would be all right if the hon. Minister......

Mr. Speaker: Order, order. Why are you in a hurry? Now, yearly examinations are being held. If in a particular year the names of all those persons who according to the U.P.S.C. had qualified were published, in that year itself it might not have been

[Mr. Speaker]

possible for the Government to absorb all of them. In the meanwhile the examination for the next year is held. In that year also the names of qualified persons are published. While making appointments that year preference is given to those persons who qualified that year and if there are any surplus vacancies persons who qualified in the previous year are absorbed. In the past three years there has been no surplus. There was one examination held sometime in 1959 where also the names of persons who qualified have been published. A rule has now been made that hereafter the names of persons who qualify will not be published and appointments will be made to the vacancies that exist on the results of examinations. It is said that people would be absorbed and there would not be any patent surplus.

What I would suggest is, whatever may be the rule that is going to be observed in the future, so far as the past is concerned those whose names have been published may be absorbed. An impression has been created in their mind that they will be absorbed in future years as and when occasion arises. Let them all be absorbed.

Shri Datar: So far as 1955-57-58 candidates are concerned they have all been taken though we were not bound to take them. Now, merely because they have been taken my hon. friends desire that something more should be done. So far as 1959 is concerned, I should like to make a clarification. We told the U.P.S.C. that we required 50 names. They gave us 78 names.

Shri Thanu Pillai: Why did they give?

Shri Datar: Out of consideration for these people, for the candidates whose names were given, we have absorbed already all the 78 names. What hon. Members now want is that we should call for a further list from the U.P.S.C. and then consider all the qualified candidates. That is entirely wrong. (*Interruption*).

Mr. Speaker: If all of you talk together you will make confusion worse confounded. The hon. Minister will look into this matter. So far as the present year is concerned, if all the 78 have been absorbed there is no quarrel.

Shri Datar: They have been absorbed.

Mr. Speaker: I do not think hon. Members want a fresh list to be published now.

Shri P. K. Deo: No, Sir, a complete list should be published giving the names of all those who qualified in the 1959 examination. The UPSC has already said that the list they gave was not exhaustive. They have got a full list of qualified candidates. The entire list should be published and all of them absorbed as and when vacancies arise.

Mr. Speaker: I shall argue for the hon. Minister. Does the hon. Member say that this must be the rule for the future.

Shri P. K. Deo: In the other years the entire list of qualified candidates was published.

Mr. Speaker: If after one examination it is found that all the persons who qualify in that examination cannot be absorbed in that very year and no further examination is held till all of them are absorbed by the Government......

Shri Datar: That is not so.

Mr. Speaker: I am arguing in favour of the hon. Minister. If no other examination is held till all of them are absorbed, it can clearly be said that the object of that examination was to get them absorbed before another examination was held. But the examinations are held every year. The object of the examination is this. Last year, a number of people who had absolutely no qualification or had only very little qualification and were not up to the standard were selected, because the selection largely depends upon the kind of candidates available. This year, candidates who were first class, first, appeared. Therefore, the other people who were selected years ago ought not to have precedence, so to say, over the new comers. That is the object of these selections from year to year. All that can be done in future is, let not an impression be created that all those people will be absorbed.

So far as 1959 is concerned, call for all those persons who had qualified and exhaust the list, and let it be understood by this House and also by the UPSC that hereafter those lists would not be published. It must be seen that you get the list containing those names of persons who have qualified, whoever they are, and according to the number of vacancies, they alone will be taken. There should be no question of passing them over to the next year. Otherwise, these examinations will be a farce. Let the Minister be definite.

Shri Datar: There is no question of the examination being a farce. We require a certain number of men, and the UPSC sends a large number.

Mr. Speaker: If any expression has been used by me, let it not go against those poor fellows. What I say is, no Act is made retrospective. There are desires and expectations created. After all, these are all Section Officers, and some of them have acted for three to four years already.

Shri Morarka: Some of them are 40 to 45 years of age and they take these examinations.

Mr. Speaker: They are asked to take the examination. I do not know how many of us will pass if such an examination is held for us!

Shri Morarka: They are made to appear every year..

Mr. Speaker: I will appeal to the hon. Minister this way: after all, these people are salaried people. and the smaller the salary, the larger is the number of their children and the larger the family. He may stretch the point in their favour and absorb all of them and say that in future such lists will be confidential and only against such vancancies as are falling vacant from time to time they will be taken. For the next year, there will be another examination. But do not frustrate those people in regard to their expectations which may be right or wrong.

Shri Datar: There is a slight snag here. When we wanted names of 50 persons, the UPSC gave us 78 names. Now, it was perfectly open to us to have absorbed only 50 in the place of 78. But the hon. Member says that we should go back upon the procedure and we should request the UPSC to have their marking standards revised......

Some Hon. Members: No, no.

Mr. Speaker: What they say is, according to them, there was a qualifying examination. You judge those people according to the qualifying examination, and whoever passes in it, absorb all of them this year. Hereafter, from next year onwards, take only those people in the order of priority, for whom there are vacancies.

Shri Datar: My difficulty is this. The UPSC have given us a list of 78 people as qualified candidates.

Shri P. K. Deo: It is not exhaustive.

Shri Datar: What the hon. Member assumes is that the list is not exhaustive or it has not been exhausted. (*Interruptions*).

Mr. Speaker: Order, order. If hon. Members go on interrupting, nothing will happen. By bamboozling, the hon. Minister is not going to be cowed down. The hon. Minister is sufficiently strong and will take care of himself. I am here to help him if necessary!

[Mr. Speaker]

All that I would say is, he can get it corrected, if he thinks that hon. Members are in the wrong. Let him ask the UPSC about the number of people who had qualified. The Ministry asked for 50 but they supplied 78 names. Let there be a reference to the UPSC to find out whether there were any other men also who had qualified.

Shri Datar: There are two difficulties in the way. One is that the UPSC have given us a list of 78 persons who had qualified. What the hon. Members desire me to do is to again approach them with a view to request them to revise their list.

Some Hon. Members: No, no. (*Interruptions*).

Mr. Speaker: The hon. Minister may differ in his conclusions. So far as facts are concerned, it is one thing to say that a man is a graduate—every man who takes a degree is a graduate —and another thing to say that there were 50 vacancies and 78 were taken. For 50 vacancies, 1,000 candidates appeared and it may be that 1,000 people qualified. How do they assess?

Shri Datar: According to their own standards.

Mr. Speaker The hon. Members want to request the hon. Minister to ascertain from the UPSC whether there are any more, according to their standards, who have passed, but they gave only 78 names because there were 50 vacancies.

Shri Datar: I was trying to point out one more point. The question is whether we have so many vacancies to be filled. For making provision for a large number of these qualified candidates from the UPSC, we have reverted a number of persons. That also should be noted, and kindly taken into consideration. We take half the number from the seniority list and half the number from the examination list. We cannot go on reverting a number of persons.

Shri Morarka: Who wants you to revert them? You have to keep a waiting list.

Mr. Speaker: The hon. Minister may take some of these matters into consideration. It is now 5·40 and normally we do not have quorum after 5. But a number of hon. Members on this side and that side are taking interest in this matter. After all, it is not a rich man that is sought to be helped. It is the poorer section. Rightly or wrongly an expectation has been created in them that if they are qualified, they will be absorbed. Whatever might be the difficulty, this will be the last chapter. A new practice may be adopted, as a matter of compassion, so far as these young men are concerned; they have served for a long number of years.

Shri Datar: This is the result of compassion. We take people from 1955. (*Interruptions*).

Mr. Speaker: The hon. Minister must take note that the hon. Members who have spoken on this matter are so young; they have no personal interest. It is on account of compassion for those poor people. An expectation had been created in them and they cannot go home frustrated. I hope the Minister will agree.

Shri Datar: I would not agree, because there are a number of difficulties. I shall consider the whole matter. I am making no promise at this stage. It is very difficult to make a promise for the reason that the number of vacancies is limited.

Mr. Speaker: Every year it is so.

Shri Datar: You have given a correct answer to my friends about keeping a waiting list. To keep a waiting list is extremely undesirable.

Mr. Speaker: This will be the last waiting list.. Hereafter there will not be a waiting list. (*Interruption*). Am I creating an impression that the hon.

Minister is hustled? I hope he has said whatever he has to say.

Shri Datar: I am not hustled, nor shall I allow myself to be hustled, as you have said.

Shri Thanu Pillai: May I draw your attention to what happened in the 1957 and 1958 batches? In one batch, there were 20 vacancies only, but 292 people were announced and they were absorbed.

Shri Datar: That was their good fortune.

Shri Thanu Pillai: It is his own version. 20 vacancies were notified and 292 were recommended by the UPSC. All of them have been absorbed. Why this year has the UPSC withheld part of the result, when they have passed? Privately they have intimated them that they have secured the necessary qualification marks. Here we are creating a situation.....

Shri Datar: I would request the hon. Member not to make any reference to the so-called private information. That is entirely against the rules. That is entirely against discipline. If the hon. Member makes any reference to private information, it will not be fair to the services either.

Shri Thanu Pillai: May I know whether the UPSC have stated that they are prepared to submit a further list of those who have obtained 45 per cent. marks?

Shri Datar: How does the hon. Member know the contents of the letter that the UPSC had written? That is against the rules.

Shri Morarka: On a point of order. Sir, you have given a ruling that hon. Members can bring information from whatever sources they like. If the hon. Member is not correct, let the hon. Minister say so.

Shri Datar: This is against the discipline of Government servants, that should be noted very clearly. (*Interruptions*).

Shri Tyagi: The maintenance of discipline on the part of the Government servants is the job of the Ministry. It is for the Ministry to see that their letters, original or copies, do not leak out. It is not for Members of Parliament to look into that aspect.

Shri Datar: But I hope hon. Members will help us by not bringing in private information.

Shri A. M. Tariq (Jammu and Kashmir): Sir, on a point of order. When you are in the Chair is it proper for a Minister to turn his back and speak to Members of Parliament on discipline of Government servants like this?

Mr. Speaker: That is too small a matter.

Now, I fully remember that on a prior occasion when some information was brought in here.....

Shri Morarka: Shri Feroze Gandhi was speaking then, and Shri Nath Pai had raised a point.

Mr. Speaker: I said then that whatever might be the information in the possession of hon. Members, they are entitled to freely refer to it in this House. But, at the same time, it is equally not desirable that these people should go round, look into the files and convey information to Members, who in turn make a reference to it in the House. But hon. Members are entitled to refer to it, irrespective of from whatever quarters it comes.

Shri Datar: I seek your co-operation in this matter, Sir.

Mr. Speaker: The hon. Minister is a lawyer himself. He knows that even if by theft a document is brought in court, on the ground that it is brought in by committing theft it does not become inadmissible, except in the case of ancient documents where cus-

[Mr. Speaker]

tody is necessary. Of course, it is very wrong on the part of people to supply confidential information. At the same time, there is no meaning in saying by the hon. Minister that no information ought to be given to this House. The hon. Minister is entitled to say "I am not going to consider this matter". If people look into the files and convey to others the names of those who should come in the normal manner etc. the little sympathy that the hon. Minister has for these people will be blasted. Of course, he is entitled to say "No". True, hon. Members also should not encourage the bringing in of any information that is absolutely confidential between Government and its various departments and they should not normally be brought into the House in any shape or form. But if they bring it, I do not think there is any irrelevancy in it. But I would say that norma'ly it should not be done as a matter of policy.

So far as this particular matter is concerned, he may ascertain from the Union Public Service Commission whether there are more qualified persons according to them and they supplied only 78 names because Government have asked for 50 names. If there are other qualified persons, he must make a list of waiting persons and once that list is exhausted, hereafter he may strictly adhere to the other principle. The list need not be published; he may ascertain it from the UPSC and provide for them without any obligation to have a waiting list and then undergoing all these difficulties. That is the simple point urged here. The hon. Minister will look into this matter and give his best and sympathetic consideration to these matters.

17.50 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, December 20, 1960|*Agrahayana* 29, 1882 (*Saka*).

[*Monday, December* 19,1960/*Agrahayana* 28, 1882 (*Saka*)]

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1990	Old manuscripts on Ayurveda	6191
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2024	Baladila-Kotavasala Railway line	6210
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2026	Road between Jamnagar and Okha	6211–12
2027	Post-graduate Medical Education Centre at Hyderabad	6212
2028	New species of Jute plant	6212
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2039	State Trading in foodgrains in Punjab	6219
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2044	Accident to oil tanker near Bombay	6222–23
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PAPERS LAID ON THE TABLE 6226

(1) A copy of Notification No. F. 12/54/60-Transport, published in Delhi Gazette dated the 3rd November, 1960 under sub-section (3) of Section 133 of the Motor Vehicles Act, 1939, making certain amendment to the Delhi Motor Vehicles Rules, 1940.

(2) A copy of the Annual Accounts of the Air-India International Corporation for the year 1957-58 and the Audit Report thereon, under sub-section (4) of Section 15 of the Air Corporation Act, 1953.

MESSAGES FROM RAJYA SABHA . . . . 6226—28

Secretary reported the folfowing messages from Rajya Sabha: . .

(i) That Rajya Sabha had agreed without any amendments to (1) the Companies (Amendment) Bill, 1960; and (2) the Motor Vehicles (Second Amendment) Bill, 1960.

(ii) That Rajya Sabha had no recommendations to make to Lok Sabha in regard to the following Bills :

1. The Appropriation (No. 5) Bill, 1960.
2. The Railway Passenger Fares (Amendment) Bill. 1960.
3. The Indian Post Office (Amendment) Bill, 1960.
4. The Tripura Excise Law (Repeal) Bill, 1960. . . .

(iii) That Rajya Sabha had passed the Salar Jung Museum Bill, 1960.

BILL PASSED BY RAJYA SABHA LAID ON THE TABLE 6228

Secretaty laid on the Table the Salar Jung Museum Bill, 1960, as passed by Rajya Sabha .

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BILLS INTRODUCED . 6228–29

(1) The Industrial Finance Corporation (Amendment) Bill, 1960.

(2) The Telegraph Laws (Amendment) Bill, 1960.

REPORT OF BUSINESS ADVISORY COMMITTEE ADOPTED . . . 6229 30

Sixtieth Report was adopted.

LEAVE OF ABSENCE 6229—32

The following members were granted leave of absence from the sittings of the House :

1. Shri Laisram Achaw Singh
2. Shri Chandikeshwar Singh Ju Deo
3. Shri B. Pocker
4. Shri Balasaheb Salunke
5. Shri Fatesinhrao Pratapsinhrao Gaekwad
6. Shri Kamal Narain Singh
7. Shri K. Ashanna
8. Sardar Baldev Singh
9. Shri Rungsung Suisa
10. Shri S. Easwara Iyer
11. Shri R. Narappa Reddy
12. Shri Dinesh Singh
13. Shri Nemi Chandra Kasliwal
14. Shri A. Doraiswami Gounder
15. Shri Uma Charan Patnaik
16. Shri U. Muthuramalinga Thevar
17. Shri Etikala Madhusudan Rao
18. Shri R. Kanakasabai
19. Shrimati Renuka Ray
20. Pandit Hiralal Shastri
21. Shri J. Rameshwar Rao
22. Shri Narasingha Malla Deb
23. Rani Manjula Devi
24. Shri S. C. Choudhury
25. Shri C. D. Pande
26. Shri R.M. Hajarnavis
27. Shri Laxmi Narayan Bhanja Deo
28. Pandit Thakur Das Bhargava .

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LEAVE OF BUSINESS—*contd.*	
29. His Highness Maharajadhiraj Maharawalji Shri Raghunath Singhji Bahadur.	
CORRECTION IN RESULT OF DIVISION . .	6231–32
The Speaker made an announcement regarding a correction in the figures of a division held on the motion for leave to introduce the Constitution (Ninth Amendment) Bill, 1960, on the 16th December, 1960.	
BILLS UNDER CONSIDERATION . . .	6233—6351
The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) moved that the following Bills be taken into consideration: (i) The Acquired Territories (Merger) Bill, 1960; and (ii) The Constitution (Ninth Amendment) Bill, 1960.	
BILLS UNDER CONSIDERATION—*contd.*	
Two amendments each for circulation of the above Bills for purpose of eliciting opinion thereon were moved by Shri S.C. Gupta and Shri Vajpayee respactively. The discussion was not concluded.	
HALF-AN-HOUR DISCUSSION . . .	6352—72
Shri P.G. Deo raised a half-an hour discussion on points arising out of the answer given on the 9th September, 1960 to Starred Question No. 1275 regarding Assistant Superintendents' Examinations.	
The Minister of State in the Ministry of Home Affairs (Shri Datar) replied to the debate.	
AGENDA FOR TUESDAY, DECEMBER, 20, 1960/AGRAHAYANA 29, 1882 (SAKA)—	
Further discussion on the motions to consider the Acquired Territories (Merger) Bill, 1960 and the Constitution (Ninth Amendment) Bill, 1960, and passing of the Bills.	

GMGIPND—LS II—1649(Ai) LS—27-12-60—901.